

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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Statutory Revision Committee (SRC)

Friday, November 17th, 2017
State Capitol, 12 PM, SCR 352

1. Discussion/vote on bill drafts authorized at prior SRC meetings¹
 - a. Modernize state and local officials' surety bond requirements (bill draft updated from 10/17 meeting) *Drafter: Kip Kolkmeier*
 - b. Amend reporting requirements for unfunded DHS programs (bill draft updated from 10/17 meeting) *Drafter: Jane Ritter*
 - c. Resolve issues relating to marriage, children, families (bill drafts updated from 8/21 meeting) *Drafter: Jane Ritter*
 - i. "Rights of Married Women" (part 2 of article 2 of title 14, C.R.S.)
 - ii. "Husband and wife" / "father and mother" terminology relating to same-sex marriage
2. Presentation of memoranda describing potential SRC legislation
 - a. Terminology related to county departments of human/social services
Proposed by: OLLS Staff
Drafter: Jane Ritter
 - b. Senate Bill 17-242 clean-up
Proposed by: OLLS Staff
Drafter: Jane Ritter
 - c. Remove inactive waiver in title 25.5, C.R.S.
Proposed by: Zach Lynkiewicz, Dept. of Health Care Policy & Financing
Drafter: Brita Darling
3. Other business
 - a. Update on the draft bill to modernize the Administrative Organization Act
Drafter: Jerry Barry
 - b. Annual report
 - c. January meeting?

¹ Pursuant to § 2-3-902 (1)(d), C.R.S., legislation recommended by the Statutory Revision Committee must be made by an affirmative vote from at least five legislative members of the Committee.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
11.6.17

BILL (1)(a)

LLS NO. 18-0160.01 Kip Kolkmeier x4510

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Public Official Personal Surety Bonds"
DEADLINES: Finalize by: JAN 29, 2018 File by: JAN 31, 2018

A BILL FOR AN ACT

101 **CONCERNING PUBLIC OFFICIAL PERSONAL SURETY BONDS, AND, IN**
102 **CONNECTION THEREWITH, REPEALING OBSOLETE PROVISIONS**
103 **AND AUTHORIZING THE PURCHASE OF INSURANCE IN LIEU OF**
104 **PUBLIC OFFICIAL PERSONAL SURETY BONDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Section 1 of the bill contains a legislative declaration. **Section 2** repeals an obsolete provision regarding personal surety bonds for executive agency personnel. **Sections 3**

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

through 5 repeal obsolete requirements that a person providing a personal surety bond to a county officer be a property owner in the county and, if requested, provide a statement of assets. **Section 6** authorizes a public entity to purchase insurance in lieu of a public official personal surety bond and states the requirements for the insurance. **Sections 7 through 9** remove obsolete personal surety bond requirements for certain municipal officials.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Many state and local elected or appointed public officials must by statute provide some type of personal surety bond;

(b) Public official personal surety bond provisions are not consistent with each other;

(c) Many public official personal surety bond requirements are obsolete;

(d) Allowing a public entity to purchase crime insurance as a substitute for a public official personal surety bond will better protect the public entity and its constituents; and

(e) There should be a clear and consistent option to purchase insurance in lieu of a public official personal surety bond.

(2) Now, therefore, the general assembly determines and declares that it is in the public interest to remove outdated personal surety bond requirements and establish a consistent alternative to public official personal surety bonds.

SECTION 2. In Colorado Revised Statutes, **repeal** 24-2-104 as follows:

24-2-104. Bonds. ~~The head of each principal department or any subordinate officer or employee under the same who may be required to~~

1 ~~handle state funds shall give bond executed by a responsible surety~~
2 ~~company, authorized to do business within the state, in such sum as may~~
3 ~~be fixed by law or, in the absence of any such law, such as shall be fixed~~
4 ~~by the governor as he deems adequate to safeguard the state funds. All~~
5 ~~such bonds shall be conditioned upon the faithful performance by such~~
6 ~~head of department, officer, or employee of his duties and, when~~
7 ~~approved by the governor, shall be filed in the office of the secretary of~~
8 ~~state. The premiums on all such bonds shall be paid as an ordinary~~
9 ~~expense of the principal department or the division, section, or unit under~~
10 ~~the department to which such head of department, officers, or employees~~
11 ~~are appointed, and due appropriation therefor shall be made by the~~
12 ~~general assembly.~~

13 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-13-122 as
14 follows:

15 **24-13-122. Freeholders only acceptable as surety.** No
16 individual shall be accepted as a surety on any official bond of any county
17 officer unless he is a freeholder of the county in which said officer may
18 be elected or appointed to office.

19 **SECTION 4.** In Colorado Revised Statutes, **repeal** 24-13-123 as
20 follows:

21 **24-13-123. Statement of surety - contents.** Boards of county
22 commissioners, in their respective counties, at any time, whether before
23 or after the approval of the official bond of any county officer, may
24 require any one or more of the sureties on said bond, within six days after
25 the service upon him of a notice in writing to that effect, to make out,
26 subscribe, and deposit in the office of the county clerk and recorder of
27 such county a statement in writing, verified by his affidavit, containing a

1 ~~list of all property owned by said surety in the state of Colorado, its~~
2 ~~character, in what county situate, its estimated value, and encumbrances~~
3 ~~thereon, if any, and also the aggregate amount of indebtedness then owing~~
4 ~~by him or by any other person for the payment of which he was then~~
5 ~~liable as surety; and any such surety making a false oath or affirmation in~~
6 ~~such case is guilty of perjury in the second degree and is liable to~~
7 ~~indictment and prosecution therefor.~~

8 **SECTION 5.** In Colorado Revised Statutes, **amend** 24-13-124 as
9 follows:

10 **24-13-124. Approval or rejection of bonds.** Nothing in this
11 section ~~or sections 24-13-122 and 24-13-123~~ shall be construed to
12 abridge, limit, or restrict the powers vested by law in boards of county
13 commissioners to approve or reject, in their discretion, the bonds of
14 county officers in their respective counties, to accept or refuse any surety
15 offered thereon, and to require a new bond to be given in any case when
16 they may deem the bond of any county officer insufficient from any cause
17 for the public security.

18 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-14-102 as
19 follows:

20 **24-14-102. Authorize purchase of liability insurance and crime**
21 **insurance in lieu of a public official personal surety bond -**
22 **definitions.** (1) The head of a department of the state of Colorado, with
23 the approval of the governor or, in the case of the county or city and
24 county, the chief executive officer or board of county commissioners,
25 subject to appropriations being available therefor, is hereby authorized to
26 procure insurance, through the department of personnel as provided in the
27 "Procurement Code", articles 101 to 112 of this ~~title~~ TITLE 24, for the

1 purpose of insuring its officers, employees, and agents against any
2 liability, other than a liability ~~which~~ THAT may be insured against under
3 ~~the provisions of~~ the "Workers' Compensation Act of Colorado",
4 ARTICLES 40 THROUGH 47 OF TITLE 8, for injuries or damages resulting
5 from their negligence or other tortious conduct during the course of their
6 service or employment. Counties or cities and counties are authorized to
7 insure their officers, employees, and agents against similar liabilities.

8 (2) (a) WHENEVER A PERSON IS REQUIRED BY LAW TO PROVIDE OR
9 PURCHASE A PERSONAL SURETY BOND AS A CONDITION OF SERVING IN A
10 PUBLIC ELECTED, APPOINTED, OR EMPLOYED POSITION, THE PUBLIC ENTITY
11 FOR WHICH THE PERSON WILL SERVE MAY, IN LIEU OF THE REQUIRED BOND,
12 PURCHASE CRIME INSURANCE TO PROTECT THE PUBLIC ENTITY FROM ANY
13 MALFEASANCE, MISFEASANCE, OR NONFEASANCE BY THE PERSON.
14 HOWEVER, THIS SECTION DOES NOT APPLY TO THE BOND REQUIRED OF THE
15 STATE TREASURER PURSUANT TO SECTION 24-22-101.

16 (b) IF A PUBLIC ENTITY PURCHASES CRIME INSURANCE IN LIEU OF
17 A PERSONAL SURETY BOND PURSUANT TO THIS SUBSECTION (2), THE
18 PUBLIC OFFICIAL OR EMPLOYEE IS RELIEVED OF ALL STATUTORY
19 REQUIREMENTS RELATED TO THE PERSONAL SURETY BOND, INCLUDING
20 REQUIREMENTS AS TO THE TYPE, PROVIDER, FORM, AMOUNT, OR FILING OF
21 THE PERSONAL SURETY BOND. THE PUBLIC ENTITY IS LIKEWISE RELIEVED
22 OF ANY STATUTORY REQUIREMENTS RELATED TO THE PERSONAL SURETY
23 BOND OF THE PUBLIC OFFICIAL OR EMPLOYEE.

24 (c) CRIME INSURANCE PURCHASED PURSUANT TO THIS SUBSECTION
25 (2) MUST BE PURCHASED FROM AN INSURANCE PROVIDER LICENSED IN THE
26 STATE OF COLORADO. THE PUBLIC ENTITY SHALL PAY THE PREMIUMS FOR
27 THE INSURANCE.

1 (d) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (I) "CRIME INSURANCE" MEANS A FORM OF INSURANCE TO PROTECT
4 PUBLIC ASSETS FROM LOSS DUE TO DISHONESTY, THEFT, OR FRAUD BY A
5 PUBLIC OFFICIAL.

6 (II) "PERSONAL SURETY BOND" MEANS A BOND, SURETY, SURETY
7 BOND, SURETY COMPANY BOND, CORPORATE SURETY BOND, CORPORATE
8 FIDELITY BOND, INDIVIDUAL BOND, SCHEDULE BOND, BLANKET BOND, OR
9 OFFICIAL BOND.

10 (III) "PUBLIC ENTITY" MEANS THE STATE OF COLORADO, PRINCIPAL
11 DEPARTMENTS LISTED IN SECTION 24-1-110, PUBLIC COLLEGES AND
12 UNIVERSITIES, STATE OR LOCAL COMMISSIONS, STATE OR LOCAL
13 AUTHORITIES, COUNTIES, CITIES, CITIES AND COUNTIES, TOWNS,
14 MUNICIPALITIES, DISTRICTS, SPECIAL DISTRICTS, BOARDS, AND SCHOOL
15 DISTRICTS.

16 **SECTION 7.** In Colorado Revised Statutes, **amend** 31-4-304 as
17 follows:

18 **31-4-304. Appointment of officers - compensation.** The board
19 of trustees shall appoint a clerk, treasurer, and town attorney, or shall
20 provide by ordinance for the election of such officers, and may appoint
21 such other officers, including a town administrator, as it deems necessary
22 for the good government of the corporation, and it shall prescribe by
23 ordinance their duties when the same are not defined by law and the
24 compensation or fees they are entitled to receive for their services. The
25 board of trustees may require of them an oath of office. ~~and a bond, with~~
26 ~~surety, for the faithful discharge of their duties.~~ The election of officers
27 shall be at the regular election, and no appointment of any officer shall

1 continue beyond thirty days after compliance with section 31-4-401 by
2 the members of the succeeding board of trustees.

3 **SECTION 8.** In Colorado Revised Statutes, 31-4-401, **amend** (2)
4 as follows:

5 **31-4-401. Oath of officers - declaring office vacant.** (2) ~~The~~
6 ~~governing body of any city or town may require, from the treasurer and~~
7 ~~such other officers as it determines proper, a bond, with proper penalty~~
8 ~~and surety, for the care and disposition of municipal funds in their hands~~
9 ~~and the faithful discharge of the duties of their offices. Such~~ THE
10 governing body has the power to declare vacant the office of ~~any~~ A
11 person appointed or elected to ~~any~~ AN office who fails to take the oath of
12 office ~~or give bond~~ when required within ten days after ~~he~~ THE PERSON
13 has been notified of ~~his~~ THE appointment or election, and ~~it~~ THE
14 GOVERNING BODY shall proceed to appoint ~~his~~ THE PERSON'S successor
15 as in other cases of vacancy.

16 **SECTION 9.** In Colorado Revised Statutes, 31-25-815, **amend**
17 (1)(a) as follows:

18 **31-25-815. Employees - duties - compensation.** (1) The board
19 shall employ and fix the compensation, subject to the approval of the
20 governing body, of the following, who shall serve at the pleasure of the
21 board:

22 (a) A director, who shall be a person of good moral character and
23 possessed of a reputation for integrity, responsibility, and business
24 ability. No member of the board shall be eligible to hold the position of
25 director. Before entering upon the duties of ~~his~~ THE office, the director
26 shall take and subscribe to the oath of office. ~~and furnish a bond as~~
27 ~~required by the board. He~~ THE DIRECTOR shall be the chief executive

1 officer of the authority. Subject to the approval of the board and directed
2 by it when necessary, ~~he~~ THE DIRECTOR shall have general supervision
3 over and be responsible for the preparation of plans and the performance
4 of the functions of the authority in the manner authorized by this part 8.
5 ~~He~~ THE DIRECTOR shall attend all meetings of the board and shall render
6 to the board and to the governing body a regular report covering the
7 activities and financial condition of the authority. In the absence or
8 disability of the director, the board may designate a qualified person to
9 perform the duties of the office as acting director. The director shall
10 furnish the board with such information or reports governing the
11 operation of the authority as the board may from time to time require.

12 **SECTION 10. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2019 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

Bill (1)(b)

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF REPORTING REQUIREMENTS FOR**
102 **CERTAIN UNFUNDED PROGRAMS IN THE DEPARTMENT OF HUMAN**
103 **SERVICES UNTIL SUCH TIME AS FUNDING IS RECEIVED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill directs that reporting requirements for programs established in the department of human services that have not received funding in several years be placed on hold

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

until such time as the program receives funding.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of House Bill/Senate Bill _____, enacted in 2018, is to effect a nonsubstantive change in statute by removing reporting requirements from programs in the department of human services that have not received funding for several years. If one of these programs does receive funding in the future, the reporting requirement is triggered.

SECTION 2. In Colorado Revised Statutes, 19-3-208.5, **amend** (8) as follows:

19-3-208.5. Pilot program - legislative declaration - child welfare - mental health services - rules - repeal. (8) IF FUNDING IS RECEIVED FOR THE PILOT PROGRAM PRIOR TO THE REPEAL DATE SET FORTH IN SUBSECTION (9) OF THIS SECTION AND THE IMPLEMENTATION AND REPEAL DATES FOR THE PILOT PROGRAM ARE EXTENDED APPROPRIATELY, AT THE END OF THE PILOT PROGRAM, the state department of human services shall conduct an evaluation of the pilot program based upon the criteria established pursuant to subsection (4) of this section, as well as the costs of the pilot program. ~~and~~ IF FUNDING IS RECEIVED AND THE PILOT PROGRAM IS IMPLEMENTED, THE STATE DEPARTMENT SHALL submit a ONE-TIME report THAT COMPLIES WITH THE PROVISIONS OF SECTION 24-1-136 (9) based on its evaluation to the health and human services committees of the house of representatives and the senate, or any successor committees, on or before January 30, 2019.

SECTION 3. In Colorado Revised Statutes, 26-2-720.5, **amend** (5) as follows:

1 **26-2-720.5. County block grant support fund - created.** (5) IF
2 THE GENERAL ASSEMBLY APPROPRIATES MONEY TO THE COUNTY BLOCK
3 GRANT SUPPORT FUND, the state department shall ~~annually~~ MAKE A report,
4 AS REQUIRED BY SECTION 24-1-136 (9) AND (11)(a), to the joint budget
5 committee on any allocations made from the county block grant support
6 fund, including the amount requested by each county and the county's
7 reason for requesting the ~~moneys~~ MONEY, and the amount allocated to
8 each county and the reasons for the state department's decision regarding
9 each request.

10 **SECTION 4.** In Colorado Revised Statutes, 26-2-721.3, **amend**
11 (2) as follows:

12 **26-2-721.3. Colorado works program maintenance fund -**
13 **creation - use - report.** (2) On or before February 15, 2009, and on or
14 before February 15 each year thereafter IN SUCH YEARS AS FUNDING IS
15 RECEIVED PURSUANT TO THIS SECTION, the executive director shall report
16 to the joint budget committee and the health and human services
17 committees of the senate and the house of representatives, or any
18 successor committees, concerning the use of ~~moneys~~ MONEY appropriated
19 to the maintenance fund in the preceding fiscal year. ANY SUCH REPORTS
20 MUST BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 24-1-136 (9)
21 AND (11)(a).

22 **SECTION 5. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

BILL (1)(c)(i)

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LLS NO. 18-######_ Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING MODERNIZATION OF LANGUAGE IN STATUTORY SECTIONS**
102 **CONCERNING "RIGHTS OF MARRIED WOMEN".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill modernizes the language in statutory sections concerning the "rights of married women" to be inclusive of married men and women.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of House Bill/Senate Bill 18-____, enacted in 2018, is to effect a nonsubstantive change in statute to modernize the use of the terms "married woman", "wife", and similar terms, where appropriate, in statutory sections found in part 2 of article 2 of title 14, Colorado Revised Statutes, formally titled "Rights of Married Women". The intent is to clarify that the rights set forth in these particular statutory sections apply to all married persons, not just married women.

SECTION 2. In Colorado Revised Statutes, **amend** part 2 of article 2 of title 14 as follows:

PART 2

RIGHTS OF MARRIED ~~WOMEN~~ *PERSONS*

14-2-201. Property ownership. The property, real and personal, ~~which any woman~~ THAT A PERSON in this state owns at the time of HIS OR her marriage, and the rents, issues, profits, and proceeds thereof, and any real, personal, or mixed property ~~which~~ THAT comes to HIM OR her by descent, devise, or bequest, or the gift of any person except HIS OR her husband OR WIFE, including presents or gifts from HIS OR her husband OR WIFE, such as jewelry, silver, tableware, watches, money, and ~~wearing~~ apparel, ~~shall remain~~ REMAINS HIS OR her sole and separate property, notwithstanding HIS OR her marriage, and ~~shall not be~~ IS NOT subject to the disposal of HIS OR her husband OR WIFE or liable for his OR HER debts.

14-2-202. Married person may sue and be sued. Any woman A PERSON, while married, may sue and be sued, in all matters having relation to HIS OR her property, person, or reputation, in the same manner

1 as if HE OR she were ~~sole~~ UNMARRIED.

2 **14-2-203. Rights in separate business.** ~~Any~~ A married ~~woman~~
3 PERSON may carry on any trade or business and perform any labor or
4 services on HIS OR her sole and separate account, and the earnings of ~~any~~
5 A married ~~woman~~ PERSON from HIS OR her trade, business, labor, or
6 services ~~shall be~~ IS HIS OR her sole and separate property and may be used
7 and invested by HIM OR her in HIS OR her own name. ~~Her~~ Property
8 acquired by trade, business, and services BY THE MARRIED PERSON and the
9 proceeds ~~thereof~~ may be taken on any execution against ~~her~~ THE PERSON.

10 **14-2-204. Not to affect marriage settlements.** Nothing in
11 sections 14-2-201 to 14-2-206 ~~shall invalidate~~ INVALIDATES any marriage
12 settlement or contract.

13 **14-2-205. Married person's land subject to judgment.** When
14 ~~any woman~~ A PERSON against whom liability exists marries and has or
15 acquires lands, judgment on such liability may be rendered against HIM OR
16 her and HIS OR her husband OR WIFE jointly, to be levied on such lands
17 only.

18 **14-2-206. Spouse cannot convey other spouse's lands.** The
19 separate deed of ~~the husband shall convey~~ A SPOUSE CONVEYS no interest
20 in the ~~wife's~~ OTHER SPOUSE'S lands.

21 **14-2-207. Spouse may convey lands as if unmarried.** ~~Any~~
22 ~~woman~~ A PERSON, while married, may bargain, sell, and convey HIS OR
23 her real and personal property and enter into any contract in reference to
24 the same as if HE OR she were ~~sole~~ UNMARRIED.

25 **14-2-208. Married person may contract.** ~~Any woman~~ A PERSON,
26 while married, may contract debts in HIS OR her own name and upon HIS
27 OR her own credit, and may execute promissory notes, bonds, bills of

1 exchange, and other instruments in writing, and may enter into any
2 contract the same as if HE OR she were ~~sole; and~~ UNMARRIED. In all cases
3 where any suit or other legal proceedings are instituted against ~~her~~ THE
4 MARRIED PERSON and any judgment, decree, or order ~~therein~~ is rendered
5 or pronounced against ~~her~~ THE MARRIED PERSON, the same may be
6 enforced by execution or other process against ~~her the same as if she were~~
7 ~~sole~~ THE MARRIED PERSON AS IF HE OR SHE WERE UNMARRIED.

8 **14-2-209. Loss of consortium.** In all actions for a tort by a
9 married ~~woman, she shall have the same right~~ PERSON, BOTH SPOUSES
10 HAVE AN EQUAL RIGHT to recover for loss of consortium of ~~her husband~~
11 ~~as is afforded husbands in like actions~~ HIS OR HER SPOUSE.

12 **14-2-210. Domicile.** The right of ~~any~~ A person to become a
13 resident domiciled in the state of Colorado ~~shall~~ MUST not be denied or
14 abridged because of sex or marital status, and the common law rule that
15 the domicile of a married ~~woman~~ PERSON is that of ~~her husband shall~~ HIS
16 OR HER SPOUSE IS no longer ~~be~~ in effect in this state.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2018 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

BILL (1)(c)(ii)

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING AMENDING STATUTORY PROVISIONS THAT CONTAIN**
102 **TERMINOLOGY DESCRIBING INDIVIDUALS BY THEIR MARITAL**
103 **STATUS THAT CAN BE AMBIGUOUSLY CONSTRUED IN THE**
104 **CONTEXT OF A SAME-SEX MARRIAGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill amends statutory provisions that contain terms such as "husband", "wife", "father", and

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

"mother" that have unclear meaning or can be ambiguously construed when placed in the context of same-sex marriages.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of House Bill/Senate Bill 18-____, enacted in
4 2018, is to effect a nonsubstantive change in statute to modernize and
5 clarify the use of the terms "married woman", "wife", "husband",
6 "husband and wife", "mother and father", and similar terms, where
7 appropriate, to reflect the existence of same-sex marriages in Colorado.
8 The terms "spouse" and "parent", and similar terms, are used whenever
9 possible for clarity.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 5-3-205 as
11 follows:

12 **5-3-205. Use of multiple agreements.** A creditor may not use
13 multiple agreements with respect to a single consumer credit transaction
14 for the purpose of obtaining a higher finance charge than would otherwise
15 be permitted by this code or to avoid disclosure of an annual percentage
16 rate pursuant to the provisions on disclosure and advertising. Dividing a
17 single consumer credit transaction between a husband and wife shall be
18 MARRIED SPOUSES IS presumed to be a violation of this section. The
19 excess amount of finance charge provided for in agreements in violation
20 of this section is an excess charge for the purposes of the provisions on
21 the effect of violations on rights of parties contained in section 5-5-201
22 and the provisions on civil actions by the administrator contained in
23 section 5-6-114.

24 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-2-202 as
25 follows:

1 **8-2-202. Damages in case of death - limit.** If ~~the death of a~~
2 ~~person~~ A PERSON'S DEATH is caused by an act of carelessness, omission of
3 duty, or negligence as provided in section 8-2-201, the corporation or
4 individual who would have been liable if the death had not ensued ~~shall~~
5 ~~be~~ IS liable to an action for damages regardless of the death of the party
6 injured. In each such case the jury may award such damages as it deems
7 fair and just, with reference to the necessary injury resulting from ~~such~~
8 THE death, to the parties who may be entitled to sue under this part 2;
9 except that, if the decedent ~~left neither~~ DID NOT LEAVE a ~~widow, widower,~~
10 ~~or~~ SURVIVING SPOUSE, minor children, ~~nor~~ OR a dependent ~~father or~~
11 ~~mother~~ PARENT, the damages recoverable in any such action shall not
12 exceed forty-five thousand dollars.

13 **SECTION 4.** In Colorado Revised Statutes, 8-2-203, **amend** (1)
14 introductory portion, (1)(a), (1)(b), and (1)(c) as follows:

15 **8-2-203. Who may sue - consolidation of actions.** (1) Every
16 ~~such action shall~~ ACTION in case of death SHALL be maintained:

- 17 (a) By the ~~husband or wife~~ SURVIVING SPOUSE of the deceased;
18 (b) If there is no ~~husband or wife~~ SURVIVING SPOUSE or if ~~he or~~
19 ~~she~~ THE SURVIVING SPOUSE fails to sue within one year after such death,
20 by the children of the deceased or their descendants;
21 (c) If ~~such~~ THE deceased is a minor or unmarried, without issue,
22 by ~~the father or mother~~ A PARENT or by both PARENTS jointly; or

23 **SECTION 5.** In Colorado Revised Statutes, **amend** 8-9-104 as
24 follows:

25 **8-9-104. Joinder of spouses in assignment - acknowledgment.**
26 ~~No~~ AN assignment of wages, except for child support, not already earned
27 at the time of the assignment or any sum to become due the assignor after

1 the date of ~~such~~ THE assignment ~~shall be~~ IS NOT valid unless, if the
2 assignor is married and residing with his OR HER spouse, ~~such~~ THE spouse
3 joins in and signs ~~such~~ THE assignment and ~~such~~ THE assignment is duly
4 acknowledged before a notary public or some other officer authorized by
5 the laws of Colorado to take acknowledgments.

6 **SECTION 6.** In Colorado Revised Statutes, **amend** 8-70-129 as
7 follows:

8 **8-70-129. Employment does not include - spouse - minor.**
9 "Employment" does not include services performed by an individual in
10 the employ of his OR HER spouse and service performed by a child under
11 the age of twenty-one in the employ of ~~his father or mother~~ ONE OR BOTH
12 OF HIS OR HER PARENTS.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 8-80-103 as
14 follows:

15 **8-80-103. Assignment of benefits void - exemptions.** Any
16 assignment, pledge, or encumbrance of any right to benefits which are or
17 may become due or payable under articles 70 to 82 of this ~~title shall be~~
18 TITLE 8 IS void. Except as provided in the "Colorado Child Support
19 Enforcement Procedures Act", article 14 of title 14, ~~C.R.S.~~, such rights to
20 benefits ~~shall be~~ ARE exempt from levy, execution, attachment, or any
21 other remedy provided for the collection of debt. Benefits received by any
22 individual, so long as they are not mingled with other funds of the
23 recipient, ~~shall be~~ ARE exempt from any remedy for the collection of all
24 debts except debts incurred for necessities furnished to ~~such~~ THE
25 individual, his OR HER spouse, or HIS OR HER dependents during the time
26 when ~~such~~ THE individual was unemployed, or child support debt or
27 arrearages as specified in article 14 of title 14. ~~C.R.S.~~ Any waiver of any

1 exemption provided for in this section ~~shall be~~ IS void.

2 **SECTION 8.** In Colorado Revised Statutes, 10-4-601, **amend**
3 (10) introductory portion as follows:

4 **10-4-601. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (10) "Policy" means an automobile insurance policy providing
7 coverage for all or any of the following coverages: Collision,
8 comprehensive, bodily injury liability, property damage liability, medical
9 payments, and uninsured motorist coverage, or a combination automobile
10 policy providing bodily injury liability, property damage liability, medical
11 payments, uninsured motorist, and physical damage coverage, delivered
12 or issued for delivery in this state, insuring a single individual, or ~~husband~~
13 ~~and wife~~ EITHER SPOUSE OF A MARRIAGE, or family members residing in
14 the same household, as named insured, and under which the insured
15 vehicles ~~therein~~ designated are of the following types only:

16 **SECTION 9.** In Colorado Revised Statutes, 10-16-201, **amend**
17 (1) introductory portion and (1)(c) as follows:

18 **10-16-201. Form and content of individual sickness and**
19 **accident insurance policies.** (1) ~~No such~~ A policy ~~shall~~ MUST NOT be
20 delivered or issued for delivery in this state unless:

21 (c) It purports to insure only one person, except as provided in
22 sections 10-16-214 and 10-16-215, and except that a policy or contract
23 may be issued upon the application of an adult member of a family, who
24 ~~shall be~~ IS deemed the policyholder, covering members of any one family,
25 including ~~husband, wife~~ A SPOUSE, dependent children or any children
26 under the age of nineteen, and other dependents living with the family;
27 and

1 **SECTION 10.** In Colorado Revised Statutes, 12-36-133, **amend**
2 (2) as follows:

3 **12-36-133. Postmortem examinations by licensee - definition**

4 **- application of this section.** (2) Consent for a licensee to conduct a
5 postmortem examination of the body of a deceased person ~~shall be~~ IS
6 deemed sufficient when given by whichever one of the following assumes
7 custody of the body for purposes of burial: ~~Father, mother, husband, wife~~
8 A PARENT, SPOUSE, child, guardian, next of kin, or, in the absence of any
9 of the foregoing, a friend or a person charged by law with the
10 responsibility for burial. If two or more such persons assume custody of
11 the body, the consent of one of them ~~shall be deemed~~ IS sufficient.

12 **SECTION 11.** In Colorado Revised Statutes, 12-37.5-103,
13 **amend** the introductory portion and (2) as follows:

14 **12-37.5-103. Definitions.** As used in this ~~article~~ ARTICLE 37.5,
15 unless the context otherwise requires:

16 (2) "Parent" means the natural or adoptive ~~mother and father~~
17 PARENT OR PARENTS of the minor who is pregnant, if they are both living;
18 one parent of the minor if only one is living, or if the other parent cannot
19 be served with notice, as hereinafter provided; or the court-appointed
20 guardian of ~~such~~ THE minor if she has one or any foster parent to whom
21 ~~the~~ HER care and custody of ~~such minor shall have~~ HAS been assigned by
22 any agency of the state or county making ~~such~~ THE placement.

23 **SECTION 12.** In Colorado Revised Statutes, 12-47-303, **amend**
24 (1)(b) as follows:

25 **12-47-303. Transfer of ownership and temporary permits.**

26 (1) (b) When a license has been issued to a ~~husband and wife~~ SPOUSE IN
27 A MARRIAGE, or to general or limited partners, the death of a spouse or

1 partner ~~shall~~ DOES not require the surviving spouse or partner to obtain a
2 new license. All rights and privileges granted under the original license
3 ~~shall~~ continue in full force and effect as to such survivors for the balance
4 of the license period.

5 **SECTION 13.** In Colorado Revised Statutes, **amend** 13-21-103
6 as follows:

7 **13-21-103. Damages for selling liquor to intoxicated person.**

8 ~~Every husband, wife, child, parent~~ A PARENT, CHILD, SPOUSE, guardian,
9 employer, or other person who is injured in person, or property, or means
10 of support by ~~any~~ AN intoxicated person, or in consequence of ~~the~~ A
11 PERSON'S intoxication, ~~of any person,~~ has a right of action, in his OR HER
12 name, against any person who, by selling or giving away intoxicating
13 liquors to ~~any habitual drunkard~~ A PERSON WHO IS HABITUALLY
14 INTOXICATED OR WHO HAS AN ALCOHOL USE DISORDER, causes the
15 intoxication, in whole or in part, of ~~such habitual drunkard and~~ THE
16 INTOXICATED PERSON. All damages recovered by a minor under this
17 section ~~shall~~ MUST be paid either to the minor or to his OR HER parent,
18 guardian, or next friend, as the court directs. The unlawful sale or giving
19 away of intoxicating liquors works a forfeiture of all rights of the lessee
20 or tenant under any lease or contract of rent upon the premises. ~~No~~
21 Liability ~~shall~~ DOES NOT accrue against any such person as provided
22 unless the ~~husband, wife, child,~~ parent, CHILD, SPOUSE, guardian, ~~or~~
23 employer, OR OTHER PERSON first, by written or printed notice, has
24 notified ~~such~~ THE person, or his OR HER agents or employees, not to sell
25 or give away any intoxicating liquors to ~~any habitual drunkard~~ A PERSON
26 WHO IS HABITUALLY INTOXICATED OR HAS AN ALCOHOL USE DISORDER.

27 **SECTION 14.** In Colorado Revised Statutes, 13-21-201, **amend**

1 (1) introductory portion, (1)(c)(I), (1)(c)(II), and (1)(d) as follows:

2 **13-21-201. Damages for death - definition.** (1) When any A
3 person dies from any injury resulting from or occasioned by the
4 negligence, unskillfulness, or criminal intent of any officer, agent,
5 servant, or employee while running, conducting, or managing any
6 locomotive, car, or train of cars, or of any driver of any coach or other
7 conveyance operated for the purpose of carrying either freight or
8 passengers for hire while in charge of the same as a driver, and when any
9 passenger dies from an injury resulting from or occasioned by any defect
10 or insufficiency in any railroad or any part ~~thereof~~ OF THE RAILROAD, or
11 in any locomotive or car, or other conveyance operated for the purpose of
12 carrying either freight or passengers for hire, the corporation or
13 individuals in whose employ ~~any such~~ THE officer, agent, servant,
14 employee, master, pilot, engineer, or driver is at the time ~~such~~ THE injury
15 is committed, or who owns any such railroad, locomotive, car, or other
16 conveyance operated for the purpose of carrying either freight or
17 passengers for hire at the time ~~any such~~ OF THE injury, ~~is received~~, and
18 resulting from or occasioned by the defect or insufficiency ~~above~~
19 described ~~shall forfeit and pay~~ IN SUBSECTION (1)(c) OF THIS SECTION
20 FORFEITS AND PAYS for every person and passenger ~~so injured the~~ A sum
21 ~~of~~ not exceeding ten thousand dollars and not less than three thousand
22 dollars, which may be sued for and recovered:

23 (c) (I) If the deceased is an unmarried minor without descendants
24 or an unmarried adult without descendants and without a designated
25 beneficiary pursuant to article 22 of title 15, ~~C.R.S.~~, by ~~the father or~~
26 ~~mother who~~ ONE OR BOTH OF THE DECEASED'S PARENTS may join in the
27 suit. Except as provided in ~~subparagraphs (II) and (III) of this paragraph~~

1 ~~(c), the father and mother shall~~ SUBSECTION (1)(c)(II) AND (1)(c)(III) OF
2 THIS SECTION, THE PARENT OR PARENTS OF THE DECEASED have an equal
3 interest in the judgment, or if either of them is dead, then the surviving
4 parent ~~shall have~~ HAS an exclusive interest in the judgment.

5 (II) For cases in which the ~~father and mother~~ DECEASED'S PARENTS
6 are divorced, separated, or living apart, a motion may be filed by either
7 ~~the father or the mother~~ PARENT prior to trial requesting the court to
8 apportion fairly any judgment awarded in the case. Where such a motion
9 is filed, the court shall conduct a post-judgment hearing at which the
10 ~~father and the mother shall~~ DECEASED'S PARENTS have the opportunity to
11 be heard and to produce evidence regarding each parent's relationship
12 with the deceased child.

13 (d) For purposes of this section, ~~"father or mother"~~ "PARENT"
14 means a natural parent of the deceased or a parent of the deceased by
15 adoption. ~~"Father or mother"~~ "PARENT" does not include a person whose
16 parental rights concerning the deceased were terminated pursuant to the
17 provisions of title 19. ~~C.R.S.~~

18 **SECTION 15.** In Colorado Revised Statutes, 13-21-203, **amend**
19 (1)(a) as follows:

20 **13-21-203. Limitation on damages.** (1) (a) All damages
21 accruing under section 13-21-202 ~~shall~~ MUST be sued for and recovered
22 by the same parties and in the same manner as provided in section
23 13-21-201. ~~and~~ In every such action, the jury may give such damages as
24 they ~~may~~ deem fair and just, with reference to the necessary injury
25 resulting from such death, including damages for noneconomic loss or
26 injury, as defined in section 13-21-102.5, and subject to the limitations of
27 this section. ~~and including~~ THE JURY MAY INCLUDE within noneconomic

1 loss or injury damages for grief, loss of companionship, pain and
2 suffering, and emotional stress, to the surviving parties who may be
3 entitled to sue. ~~and also having regard to the~~ THE JURY MAY INCLUDE
4 mitigating or aggravating circumstances attending any such wrongful act,
5 neglect, or default; except that, if the decedent ~~left neither a widow, a~~
6 ~~widower, minor children, nor a dependent father or mother~~ WAS NOT
7 SURVIVED BY A SPOUSE, MINOR CHILDREN, OR A DEPENDENT PARENT, the
8 damages recoverable in any such action ~~shall~~ MUST not exceed the
9 limitations for noneconomic loss or injury set forth in section
10 13-21-102.5, unless the wrongful act, neglect, or default causing death
11 constitutes a felonious killing, as defined in section 15-11-803 (1)(b)
12 ~~Č.R.S.~~, and as determined in the manner described in section 15-11-803
13 (7), ~~Č.R.S.~~, in which case there ~~shall be~~ IS no limitation on the damages
14 for noneconomic loss or injury recoverable in such action. ~~No action shall~~
15 AN ACTION MUST NOT be brought, and ~~no recovery shall~~ MUST NOT be had
16 under ~~both section~~ sections 13-21-201 and ~~section~~ 13-21-202. ~~and~~ In all
17 cases, the plaintiff is required to elect under which section he or she will
18 proceed. There ~~shall~~ MUST be only one civil action under this part 2 for
19 recovery of damages for the wrongful death of any one decedent.
20 Notwithstanding anything in this section or in section 13-21-102.5 to the
21 contrary, there ~~shall be~~ IS no recovery under this part 2 for noneconomic
22 loss or injury in excess of two hundred fifty thousand dollars, unless the
23 wrongful act, neglect, or default causing death constitutes a felonious
24 killing, as defined in section 15-11-803 (1)(b) ~~Č.R.S.~~, and as determined
25 in the manner described in section 15-11-803 (7). ~~Č.R.S.~~

26 **SECTION 16.** In Colorado Revised Statutes, 13-54-104, **amend**
27 (3)(b)(I) introductory portion and (3)(b)(I)(A) as follows:

1 **13-54-104. Restrictions on garnishment and levy under**
2 **execution or attachment - definitions.** (3) (b) (I) The maximum part of
3 the aggregate disposable earnings of an individual for any workweek
4 ~~which is~~ subject to garnishment or levy under execution or attachment to
5 enforce any order for the support of any person ~~shall~~ MUST not exceed:
6 (A) Where such individual is supporting his OR HER spouse or
7 dependent child, other than a spouse or child with respect to whose
8 support such order is used, fifty percent of ~~such~~ THE individual's
9 disposable earnings for that week; and

10 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**
11 (1)(a) and (1)(a.5) as follows:

12 **13-90-107. Who may not testify without consent - privileges -**
13 **definitions.** (1) There are particular relations in which it is the policy of
14 the law to encourage confidence and to preserve it inviolate; therefore, a
15 person shall not be examined as a witness in the following cases:
16 (a) (I) Except as otherwise provided in section 14-13-310 (4),
17 ~~C.R.S., a husband~~ A SPOUSE shall not be examined for or against his wife
18 OR HER SPOUSE without ~~her~~ THE SPOUSE'S consent. ~~nor a wife for or~~
19 ~~against her husband without his consent; nor~~ During the marriage or
20 afterward, NEITHER SPOUSE shall ~~either~~ be examined without the consent
21 of the other as to any communications made by one to the other during the
22 marriage. ~~but~~ This exception does not apply to a civil action or
23 proceeding by one SPOUSE against the other SPOUSE, a criminal action or
24 proceeding for a crime committed by one SPOUSE against the other
25 SPOUSE, or a criminal action or proceeding against one or both spouses
26 when the alleged offense occurred prior to the date of the parties'
27 marriage. However, this exception ~~shall~~ DOES not attach if the otherwise

1 privileged information is communicated after the marriage.

2 (II) The privilege described in this ~~paragraph (a)~~ SUBSECTION
3 (1)(a) does not apply to class 1, CLASS 2, or CLASS 3 felonies as described
4 in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~€R.S.~~, or to level 1 or
5 LEVEL 2 drug felonies as described in section 18-1.3-401.5 (2)(a). ~~€R.S.~~
6 In this instance, during the marriage or afterward, a ~~husband~~ SPOUSE shall
7 not be examined for or against his ~~wife~~ OR HER SPOUSE as to any
8 communications intended to be made in confidence and made by one
9 SPOUSE to the other SPOUSE during the marriage without ~~his~~ THE SPOUSE'S
10 consent. ~~and a wife shall not be examined for or against her husband as~~
11 ~~to any communications intended to be made in confidence and made by~~
12 ~~one to the other without her consent.~~

13 (III) Communications between a ~~husband and wife~~ SPOUSES are
14 not privileged pursuant to this ~~paragraph (a)~~ SUBSECTION (1)(a) if ~~such~~
15 THE communications are made for the purpose of aiding the commission
16 of a future crime or of a present continuing crime.

17 (IV) The burden of proving the existence of a marriage for the
18 purposes of this ~~paragraph (a)~~ ~~shall be~~ SUBSECTION (1)(a) IS on the party
19 asserting the claim.

20 (V) Notice of the assertion of the ~~marital~~ SPOUSAL privilege shall
21 be given as soon as practicable but not less than ten days prior to assertion
22 at any hearing.

23 (VI) FOR THE PURPOSES OF THIS SUBSECTION (1)(a), "SPOUSE"
24 MEANS A PERSON WHO HAS ENTERED INTO A LEGAL MARRIAGE.

25 (a.5) (I) Except as otherwise provided in section 14-13-310 (5),
26 ~~€R.S.~~, a partner in a civil union shall not be examined for or against the
27 other partner in the civil union without the other partner's consent. ~~nor~~

1 During the civil union or afterward, NEITHER PARTNER shall ~~either~~ be
2 examined without the consent of the other as to any communications
3 made by one to the other during the civil union. ~~except that~~ This
4 exception does not apply to a civil action or proceeding by one against the
5 other, a criminal action or proceeding for a crime committed by one
6 against the other, or a criminal action or proceeding against one or both
7 partners when the alleged offense occurred prior to the date of the parties'
8 certification of the civil union. However, this exception ~~shall~~ DOES not
9 attach if the otherwise privileged information is communicated after the
10 certification of the civil union.

11 (II) The privilege described in this ~~paragraph (a.5)~~ SUBSECTION
12 (1)(a.5) does not apply to class 1, CLASS 2, or CLASS 3 felonies as
13 described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~E.R.S.~~, or to
14 level 1 or LEVEL 2 drug felonies as described in section 18-1.3-401.5
15 (2)(a). ~~E.R.S.~~ In this instance, during the civil union or afterward, a
16 partner in a civil union shall not be examined for or against the other
17 partner in the civil union as to any communications intended to be made
18 in confidence and made by one to the other during the civil union without
19 the other partner's consent.

20 (III) Communications between partners in a civil union are not
21 privileged pursuant to this ~~paragraph (a.5)~~ if such SUBSECTION (1)(a.5) IF
22 THE communications are made for the purpose of aiding the commission
23 of a future crime or of a present continuing crime.

24 (IV) The burden of proving the existence of a civil union for the
25 purposes of this ~~paragraph (a.5)~~ shall be SUBSECTION (1)(a.5) IS on the
26 party asserting the claim.

27 (V) Notice of the assertion of the privilege described in this

1 ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) shall be given as soon as practicable
2 but not less than ten days prior to assertion at any hearing.

3 (VI) For the purposes of this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5),
4 "partner in a civil union" means a person who has entered into a civil
5 union established in accordance with the requirements of article 15 of title
6 14. C.R.S.

7 **SECTION 18.** In Colorado Revised Statutes, **amend** 13-90-108
8 as follows:

9 **13-90-108. Offer taken as consent.** The offer of a person of
10 himself OR HERSELF as a witness ~~shall be~~ IS deemed a consent to the
11 examination. The offer of a ~~wife, husband~~ SPOUSE, attorney, ~~clergyman~~
12 MEMBER OF THE CLERGY, physician, surgeon, certified public accountant,
13 or certified psychologist as a witness ~~shall be~~ IS deemed a consent to the
14 examination, within the meaning of section 13-90-107 (1)(a) to (1)(d),
15 (1)(f), and (1)(g).

16 **SECTION 19.** In Colorado Revised Statutes, 14-6-101, **amend**
17 (1) as follows:

18 **14-6-101. Nonsupport of spouse and children - penalty.**
19 (1) ~~Any~~ A person who willfully neglects, fails, or refuses to provide
20 reasonable support and maintenance for his OR HER spouse or for his OR
21 HER children under eighteen years of age, whether natural, adopted, or
22 whose parentage has been judicially determined, or who willfully fails,
23 refuses, or neglects to provide proper care, food, and clothing in case of
24 sickness for his OR HER spouse or ~~such~~ HIS OR HER children or any ~~such~~
25 OF HIS OR HER children being legally the inmates of a state or county home
26 or school for children in this state, or who willfully fails or refuses to pay
27 to a trustee, who may be appointed by the court to receive such payment,

1 or to the board of control of such home or school the reasonable cost of
2 keeping ~~such~~ HIS OR HER children in said home, or any person, being the
3 ~~father or mother of children~~ PARENT OF CHILDREN under eighteen years
4 of age, who leaves ~~such~~ HIS OR HER children with intent to abandon ~~such~~
5 THOSE children, or any ~~man~~ PERSON who willfully neglects, fails, or
6 refuses to provide proper care, food, and clothing to the ~~mother of his~~
7 PERSON'S child during childbirth and attendant illness is guilty of a class
8 5 felony. It ~~shall be~~ IS an affirmative defense, as defined in section
9 18-1-407, ~~C.R.S.~~, to a prosecution under this section that owing to
10 physical incapacity or other good cause the defendant is unable to furnish
11 the support, care, and maintenance required by this section. ~~No~~ A child
12 ~~shall be~~ IS NOT deemed to lack proper care for the sole reason that he OR
13 SHE is being provided remedial treatment in accordance with section
14 19-3-103. ~~C.R.S.~~

15 **SECTION 20.** In Colorado Revised Statutes, **amend** 14-6-105 as
16 follows:

17 **14-6-105. Spouse is competent witness.** In all proceedings or
18 prosecutions ~~under~~ PURSUANT TO this article, ~~a wife or husband shall be~~
19 ARTICLE 6, A SPOUSE IS a competent witness against his OR HER spouse
20 with or without ~~his~~ THE SPOUSE'S consent.

21 **SECTION 21.** In Colorado Revised Statutes, **amend** 14-6-110 as
22 follows:

23 **14-6-110. Joint liability for family expenses.** The expenses of
24 the family and the education of the children are chargeable upon the
25 property of both ~~husband and wife~~ SPOUSES, or either ~~of them~~ SPOUSE
26 SEPARATELY, and in relation ~~thereto~~ they may be sued jointly or
27 separately.

1 **SECTION 22.** In Colorado Revised Statutes, 14-10-106, **amend**
2 (1)(c) introductory portion, (1)(c)(I), and (1)(c)(II) as follows:

3 **14-10-106. Dissolution of marriage - legal separation.** (1)(c) In
4 a proceeding to dissolve a marriage, ~~or in~~ a proceeding for legal
5 separation, ~~or in~~ a proceeding for declaration of invalidity, the court is
6 deemed to have made an adjudication of the parentage of a child of the
7 marriage if the court acts under circumstances that satisfy the
8 jurisdictional requirements of section 14-5-201 and the final order:

9 (I) Expressly identifies a child as a "child of the marriage", "issue
10 of the marriage", or similar words indicating that ~~the husband is the father~~
11 BOTH SPOUSES ARE THE PARENTS of the child; or

12 (II) Provides for support of the child by ~~the husband~~ ONE OF THE
13 SPOUSES, unless paternity is specifically disclaimed in the order.

14 **SECTION 23.** In Colorado Revised Statutes, 14-10-107, **amend**
15 (2) introductory portion and (2)(d) as follows:

16 **14-10-107. Commencement - pleadings - abolition of existing**
17 **defenses - automatic, temporary injunction - enforcement.** (2) The
18 petition in a proceeding for dissolution of marriage or legal separation
19 ~~shall~~ MUST allege that the marriage is irretrievably broken and ~~shall~~ set
20 forth:

21 (d) The names, ages, and addresses of any living children of the
22 marriage and whether ~~the wife~~ ONE OF THE SPOUSES is pregnant;

23 **SECTION 24.** In Colorado Revised Statutes, 14-10-120.3,
24 **amend** (1)(a) as follows:

25 **14-10-120.3. Dissolution of marriage or legal separation upon**
26 **affidavit - requirements.** (1) Final orders in a proceeding for dissolution
27 of marriage or legal separation may be entered upon the affidavit of either

1 or both parties when:

2 (a) There are no minor children of the ~~husband and wife~~
3 MARRIAGE and ~~the wife is not~~ NEITHER SPOUSE IS pregnant or ~~the husband~~
4 ~~and wife are both~~ BOTH SPOUSES ARE represented by counsel and have
5 entered into a separation agreement that provides for the allocation of
6 parental responsibilities concerning the children of the marriage and
7 setting out the amount of child support to be provided by ~~the husband or~~
8 ~~wife~~ ONE SPOUSE SEPARATELY or both SPOUSES COMBINED; and

9 **SECTION 25.** In Colorado Revised Statutes, **amend** 14-12-104
10 as follows:

11 **14-12-104. Duties of domestic relations counselors.**

12 (1) Domestic relations counselors shall, under the supervision of and as
13 directed by the judge of the district court in which they are serving,
14 perform the following duties:

15 (a) Promptly consider all requests for counseling for the purpose
16 of disposing of such requests pursuant to this ~~article~~ ARTICLE 12;

17 (b) Counsel ~~husband or wife or both~~ ONE OR BOTH SPOUSES under
18 a schedule of fees set by the judge of the district court wherein the case
19 is heard. ~~said~~ THE fee IS to be paid by either ~~the husband or wife~~ SPOUSE
20 or jointly by ~~the husband and wife~~ BOTH SPOUSES, as determined by the
21 court, whether or not a petition for dissolution of marriage, declaration of
22 invalidity of marriage, or legal separation has been filed, if the spouses
23 have marital difficulties which may lead to a termination of the marriage
24 relationship;

25 (c) If, in the judgment of the counselor, prolonged counseling is
26 necessary or if it appears that medical, psychiatric, or religious assistance
27 is indicated, refer ~~the husband or wife~~ ONE or both SPOUSES to a

1 physician, psychiatrist, psychologist, social service agency, or ~~clergyman~~
2 MEMBER OF THE CLERGY of any religious denomination to which the
3 parties may belong.

4 **SECTION 26.** In Colorado Revised Statutes, 14-13-310, **amend**
5 (4) as follows:

6 **14-13-310. Hearing and order.** (4) A privilege against
7 disclosure of communications between spouses and a defense of
8 immunity based on the relationship of ~~husband and wife~~ THE SPOUSES or
9 parent and child may not be invoked in a proceeding under this part 3.

10 **SECTION 27.** In Colorado Revised Statutes, 15-1.5-106, **amend**
11 (1) as follows:

12 **15-1.5-106. Multiple beneficiaries - separate custodial trusts**
13 **- survivorship.** (1) Beneficial interests in a custodial trust created for
14 multiple beneficiaries are deemed to be separate custodial trusts of equal
15 undivided interests for each beneficiary. Except in a transfer or
16 declaration for use and benefit of ~~husband and wife~~ SPOUSES, for whom
17 survivorship is presumed, a right of survivorship does not exist unless the
18 instrument creating the custodial trust specifically provides for
19 survivorship.

20 **SECTION 28.** In Colorado Revised Statutes, 15-11-712, **amend**
21 (4) as follows:

22 **15-11-712. Simultaneous death - disposition of property.**
23 (4) Where a ~~husband and wife~~ TWO SPOUSES have died leaving
24 community property and there is no clear and convincing evidence that
25 they have died otherwise than simultaneously, one-half of all the
26 community property shall pass as if the ~~husband~~ FIRST SPOUSE had
27 survived, and as if said one-half were his OR HER separate property, and

1 the other one-half thereof shall pass as if the ~~wife~~ SECOND SPOUSE had
2 survived, and as if said other one-half were HIS OR her separate property.

3 **SECTION 29.** In Colorado Revised Statutes, 15-11-802, **amend**
4 (1) as follows:

5 **15-11-802. Effect of divorce, annulment, and decree of**
6 **separation.** (1) An individual who is divorced from the decedent or
7 whose marriage to the decedent has been annulled is not a surviving
8 spouse unless, by virtue of a subsequent marriage, he or she is married to
9 the decedent at the time of death. A decree of separation that does not
10 terminate the MARITAL status of ~~husband and wife~~ SPOUSES is not a
11 divorce for purposes of this section.

12 **SECTION 30.** In Colorado Revised Statutes, 15-11-804, **amend**
13 (1)(b) as follows:

14 **15-11-804. Revocation of probate and nonprobate transfers by**
15 **divorce - no revocation by other changes of circumstances -**
16 **definitions.** (1) **Definitions.** As used in this section, unless the context
17 otherwise requires:

18 (b) "Divorce or annulment" means any divorce or annulment, or
19 any dissolution or declaration of invalidity of a marriage, that would
20 exclude the spouse as a surviving spouse within the meaning of section
21 15-11-802. A decree of separation that does not terminate the MARITAL
22 status of ~~husband and wife~~ SPOUSES is not a divorce for purposes of this
23 section.

24 **SECTION 31.** In Colorado Revised Statutes, 15-12-713, **amend**
25 (1) introductory portion as follows:

26 **15-12-713. Sale, encumbrance, or transaction involving**
27 **conflict of interest - voidable - exceptions.** (1) Any sale or

1 encumbrance to the personal representative, his OR HER spouse, agent, or
2 attorney, or any corporation or trust in which he OR SHE has a beneficial
3 interest, or any transaction which is affected by a conflict of interest on
4 the part of the personal representative, is voidable by any person
5 interested in the estate except one who has consented, unless:

6 **SECTION 32.** In Colorado Revised Statutes, **amend** 17-26-106
7 as follows:

8 **17-26-106. Male and female prisoners.** Male and female
9 prisoners ~~except husband and wife~~, shall not be put or kept in the same
10 room.

11 **SECTION 33.** In Colorado Revised Statutes, 18-3-102, **amend**
12 (4) as follows:

13 **18-3-102. Murder in the first degree.** (4) The statutory privilege
14 between patient and physician and between ~~husband and wife~~ shall not be
15 SPOUSES IS NOT available for excluding or refusing testimony in any
16 prosecution for the crime of murder in the first degree as described in
17 ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section.

18 **SECTION 34.** In Colorado Revised Statutes, 18-3-411, **amend**
19 (5) as follows:

20 **18-3-411. Sex offenses against children - "unlawful sexual**
21 **offense" defined - limitation for commencing proceedings - evidence**
22 **- statutory privilege.** (5) The statutory privilege between ~~the husband~~
23 ~~and the wife~~ shall not be SPOUSES IS NOT available for excluding or
24 refusing testimony in any prosecution of an unlawful sexual offense.

25 **SECTION 35.** In Colorado Revised Statutes, 18-6-401, **amend**
26 (3) as follows:

27 **18-6-401. Child abuse - definition - statutory privilege.** (3) The

1 statutory privilege between patient and physician and between husband
2 and wife shall not be SPOUSES IS NOT available for excluding or refusing
3 testimony in any prosecution for a violation of this section.

4 **SECTION 36.** In Colorado Revised Statutes, 18-6-401.1, **amend**
5 (5) as follows:

6 **18-6-401.1. Child abuse - limitation for commencing**
7 **proceedings - evidence - definition - statutory privilege.** (5) The
8 statutory privilege between the victim-patient and his OR HER physician
9 and between the husband and the wife shall not be SPOUSES IS NOT
10 available for excluding or refusing testimony in any prosecution of an act
11 of child abuse.

12 **SECTION 37.** In Colorado Revised Statutes, 18-7-201, **amend**
13 (1) as follows:

14 **18-7-201. Prostitution prohibited - definitions.** (1) ~~Any~~ A
15 person who performs or offers or agrees to perform any act of sexual
16 intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with
17 any person WHO IS not his OR HER spouse in exchange for money or other
18 thing of value commits prostitution.

19 **SECTION 38.** In Colorado Revised Statutes, 18-7-205, **amend**
20 (1) introductory portion as follows:

21 **18-7-205. Patronizing a prostitute.** (1) ~~Any~~ A person who
22 performs any of the following with a person WHO IS not his OR HER
23 spouse commits patronizing a prostitute:

24 **SECTION 39.** In Colorado Revised Statutes, 18-7-406, **amend**
25 (1) introductory portion as follows:

26 **18-7-406. Patronizing a prostituted child.** (1) ~~Any~~ A person
27 who performs any of the following with a child not his OR HER spouse

1 commits patronizing a prostituted child:

2 **SECTION 40.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (44.5), (56), and (56.5) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (44.5) "Donor", as used in section 19-4-106, means an individual
7 who produces eggs or sperm used for assisted reproduction, whether or
8 not for consideration. "Donor" does not include a ~~husband~~ SPOUSE who
9 provides sperm, or a ~~wife~~ SPOUSE who provides eggs, to be used for
10 assisted reproduction by the ~~wife~~ SPOUSE.

11 (56) (a) "Grandparent" means a person who is the parent of ONE
12 OF a child's ~~father or mother~~ PARENTS, who is related to the child by
13 blood, in whole or by half, adoption, or marriage.

14 (b) "Grandparent", as used in sections 19-1-117 and 19-1-117.5,
15 has the same meaning as set forth in ~~paragraph (a) of this subsection (56)~~
16 SUBSECTION (56)(a) OF THIS SECTION; except that "grandparent" does not
17 include the parent of ONE OF a child's legal ~~father or mother~~ PARENTS
18 whose parental rights have been terminated in accordance with sections
19 19-5-101 and 19-1-104 (1)(d).

20 (56.5) "Great-grandparent", as used in sections 19-1-117 and
21 19-1-117.5, means a person who is the grandparent of ONE OF a child's
22 ~~father or mother~~ PARENTS, who is related to the child by blood, in whole
23 or by half, adoption, or marriage. "Great-grandparent" does not include
24 the grandparent of ONE OF a child's legal ~~father or mother~~ PARENTS whose
25 parental rights have been terminated in accordance with sections
26 19-5-101 and 19-1-104 (1)(d).

27 **SECTION 41.** In Colorado Revised Statutes, 19-3-311, **amend**

1 (2) as follows:

2 **19-3-311. Evidence not privileged.** (2) The privileged
3 communication between ~~husband and wife shall not be a ground~~ SPOUSES
4 IS NOT GROUNDS for excluding evidence in any judicial proceeding
5 resulting from a report pursuant to this part 3.

6 **SECTION 42.** In Colorado Revised Statutes, 19-4-106, **amend**
7 (1), (3), and (5) as follows:

8 **19-4-106. Assisted reproduction.** (1) If, under the supervision
9 of a licensed physician or advanced practice nurse and with the consent
10 of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents to assisted
11 reproduction with sperm donated by a man not her ~~husband, the husband~~
12 SPOUSE, THE SPOUSE is treated in law as if ~~he were the natural father~~ THE
13 SPOUSE WERE THE NATURAL PARENT of a child thereby conceived. If,
14 under the supervision of a licensed physician or advanced practice nurse
15 and with the consent of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents
16 to assisted reproduction with an egg donated by another woman, to
17 conceive a child for herself, not as a surrogate, the ~~wife~~ SPOUSE is treated
18 in law as if she were the natural ~~mother~~ PARENT of a child thereby
19 conceived. ~~Both the husband's and the wife's~~ THE consent OF BOTH
20 SPOUSES must be in writing and signed by each of them. The physician or
21 advanced practice nurse shall certify their signatures and the date of the
22 assisted reproduction and shall file the consents with the department of
23 public health and environment, where they shall be kept confidential and
24 in a sealed file; however, the physician's failure to do so does not affect
25 the father and child relationship or the mother and child relationship. All
26 papers and records pertaining to the assisted reproduction, whether part
27 of the permanent record of a court or of a file held by the supervising

1 physician or advanced practice nurse or elsewhere, are subject to
2 inspection only upon an order of the court for good cause shown.

3 (3) If a ~~husband~~ SPOUSE provides sperm for, or consents to,
4 assisted reproduction by his ~~wife~~ SPOUSE as provided in subsection (1) of
5 this section, he is the ~~father~~ PARENT of the resulting child.

6 (5) Failure of ~~the husband~~ A SPOUSE to sign a consent required by
7 subsection (1) of this section before or after the birth of the child does not
8 preclude a finding that the ~~husband is the father~~ SPOUSE IS THE PARENT of
9 a child born to his ~~wife~~ SPOUSE pursuant to section 19-4-105 (2)(a).

10 **SECTION 43.** In Colorado Revised Statutes, **amend** 19-4-108 as
11 follows:

12 **19-4-108. Statute of limitations.** An action to determine the
13 existence of the father and child relationship may be brought at any time
14 prior to the child's eighteenth birthday by ~~the mother or father of said~~
15 EITHER PARENT OF THE child, by the child, or by the delegate child support
16 enforcement agency. If, however, the statute of limitations in effect at the
17 time of the child's birth was less than eighteen years, the delegate child
18 support enforcement agency may bring an action on behalf of the ~~said~~
19 THE child at any time prior to the child's twenty-first birthday. An action
20 brought by a child whose paternity has not been determined may be
21 brought at any time prior to the child's twenty-first birthday. This section
22 and section 19-4-107 do not extend the time within which a right of
23 inheritance or a right to a succession may be asserted beyond the time
24 provided by law relating to distribution and closing of decedents' estates
25 or to the determination of heirship, or otherwise.

26 **SECTION 44.** In Colorado Revised Statutes, **amend** 19-4-110 as
27 follows:

1 **19-4-110. Parties.** The child may be made a party to the action.
2 If the child is a minor, the court may appoint a guardian ad litem.
3 NEITHER OF the child's ~~mother or father~~ PARENTS may ~~not~~ represent the
4 child as guardian or otherwise. The court shall make the natural mother,
5 each man presumed to be the father under section 19-4-105, and each
6 man alleged to be the natural father parties or, if not subject to the
7 jurisdiction of the court, provide notice of the action in a manner
8 prescribed by the court and an opportunity to be heard. If a man who is
9 alleged to be the natural father is deceased, the court shall make the
10 personal representative of his estate, if one has been appointed, a party.
11 If a personal representative has not been appointed, the court shall make
12 the deceased man's spouse or an immediate blood relative a party. If a
13 spouse or immediate blood relative is not known or does not exist, the
14 court shall appoint a representative for the alleged natural father who is
15 deceased. The court may align the parties. When the person to be served
16 has no residence within Colorado and his or her place of residence is not
17 known or when he or she cannot be found within the state after due
18 diligence, service must be by publication pursuant to rule 4 (g) of the
19 Colorado rules of civil procedure; except that service must be by a single
20 publication and must be completed not less than five days prior to the
21 time set for hearing on paternity adjudication.

22 **SECTION 45.** In Colorado Revised Statutes, 22-1-102, **amend**
23 (2) introductory portion and (2)(f) as follows:

24 **22-1-102. Residence of child.** (2) A child ~~shall be~~ IS deemed to
25 reside in a school district if:

26 (f) ~~If~~ One of the child's parents or ~~the~~ HIS OR HER guardian ~~of his~~
27 ~~person~~ is a public officer or employee living temporarily for the

1 performance of his OR HER duties in a school district other than that of his
2 OR HER residence. ~~Unless the parents of a child are permanently~~
3 ~~separated,~~ The residence of the ~~husband shall be deemed to be~~ PARENT
4 WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS the residence
5 of the child. ~~but, if the parents have permanently separated, the residence~~
6 ~~of the child shall be that of the parent with whom the child actually lives.~~

7 **SECTION 46.** In Colorado Revised Statutes, 22-1-127, **amend**
8 (1)(c) as follows:

9 **22-1-127. Incentives for school enrollment or attendance -**
10 **prohibited - exceptions - definitions.** (1) As used in this section, unless
11 the context otherwise requires:

12 (c) "Parent" means the biological or adoptive ~~mother or father or~~
13 ~~stepmother or stepfather~~ PARENT OR STEPPARENT of a child or any other
14 person having legal or physical custody of a child.

15 **SECTION 47.** In Colorado Revised Statutes, 22-33-102, **amend**
16 the introductory portion and (10) as follows:

17 **22-33-102. Definitions.** As used in this ~~article~~ ARTICLE 33, unless
18 the context otherwise requires:

19 (10) "Parent" means the ~~mother or father~~ NATURAL OR ADOPTIVE
20 PARENT of a child or any other person having custody of a child.

21 **SECTION 48.** In Colorado Revised Statutes, 24-6-202, **amend**
22 (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), and (6)
23 as follows:

24 **24-6-202. Disclosure - contents - filing - false or incomplete**
25 **filing - penalty.** (2) Disclosure ~~shall include~~ INCLUDES:

26 (a) The names of any source or sources of any income, including
27 capital gains, whether or not taxable, of the person making disclosure, his

1 OR HER spouse, and minor children residing with ~~him~~ THE PERSON
2 MAKING DISCLOSURE;

3 (b) The name of each business, insurance policy, or trust in which
4 ~~he, his spouse~~ THE PERSON MAKING DISCLOSURE, HIS OR HER SPOUSE, or
5 minor children residing with ~~him~~ THE PERSON MAKING DISCLOSURE has
6 a financial interest in excess of five thousand dollars;

7 (c) The legal description of any interest in real property, including
8 an option to buy, in the state in which the person making disclosure, his
9 OR HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
10 DISCLOSURE have any interest, direct or indirect, the market value of
11 which is in excess of five thousand dollars;

12 (d) The identity, by name, of all offices, directorships, and
13 fiduciary relationships held by the person making disclosure, his OR HER
14 spouse, and minor children residing with ~~him~~ THE PERSON MAKING
15 DISCLOSURE;

16 (f) The name of each creditor to whom the person making
17 disclosure, his OR HER spouse, or minor children RESIDING WITH THE
18 PERSON MAKING DISCLOSURE owe money in excess of one thousand
19 dollars and the interest rate;

20 (g) A list of businesses with which the person making disclosure
21 or his OR HER spouse are associated that do business with or are regulated
22 by the state and the nature of such business or regulation;

23 (6) Any person subject to the provisions of this section may elect
24 to file ANNUALLY with the secretary of state ~~annually~~ a copy of his OR HER
25 federal income tax return and any separate federal income tax return filed
26 by his OR HER spouse or minor children residing with ~~him~~ THE PERSON
27 MAKING DISCLOSURE, together with a certified statement of any

1 investments held by ~~him, his~~ THE PERSON MAKING DISCLOSURE, HIS OR
2 HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
3 DISCLOSURE which are not reflected by the income tax returns in lieu of
4 complying with the provisions of subsections (1) to (4) of this section.
5 ~~which~~ THE tax return and any statement filed under the provisions of this
6 subsection (6) ~~shall be~~ ARE public information.

7 **SECTION 49.** In Colorado Revised Statutes, 25-2-112, **amend**
8 (2), (3)(a) introductory portion, (3)(a)(II), (3)(a)(III), and (3)(a)(IV) as
9 follows:

10 **25-2-112. Certificates of birth - filing - establishment of**
11 **paternity.** (2) When a birth occurs in an institution, or upon order of any
12 court with proper jurisdiction, the person in charge of the institution or
13 ~~such person's~~ HIS OR HER designated representative shall obtain the
14 personal data, prepare the certificate, certify the authenticity of the birth
15 registration either by signature or by an approved electronic process, and
16 file it with the state registrar or as otherwise directed by the state registrar
17 within the required ten days. The physician in attendance shall provide the
18 medical information required by the certificate within five days after the
19 birth. When the birth occurs outside an institution, THE PHYSICIAN IN
20 ATTENDANCE SHALL PREPARE AND FILE the certificate ~~shall be prepared~~
21 ~~and filed by the physician in attendance~~ at or immediately after birth, or
22 in the absence of such a physician, by any person witnessing the birth, or
23 in the absence of any such witness by ~~the father or mother~~ ONE OR BOTH
24 OF THE PARENTS, or in the absence ~~of the father and the inability of the~~
25 ~~mother~~ OR INABILITY OF BOTH PARENTS by the person in charge of the
26 premises where the birth occurred. The person who completes and files
27 the certificate shall also be responsible for obtaining the social security

1 account numbers of the parents and delivering those numbers to the state
2 registrar along with the certificate.

3 (3) (a) If the mother was married either at the time of conception
4 or birth, the name of ~~the husband~~ HER SPOUSE shall be entered on the
5 certificate as the ~~father~~ PARENT of the child unless:

6 (II) The mother and ~~the mother's husband~~ HER SPOUSE execute
7 joint or separate forms prescribed and furnished by the state registrar
8 reflecting the mother's and ~~the husband's~~ HER SPOUSE'S signatures
9 individually witnessed and attesting that ~~the husband~~ HER SPOUSE is not
10 ~~the father~~ A PARENT of the child, in which case, information about the
11 ~~father shall~~ CHILD'S PARENT MUST be omitted from the certificate; or

12 (III) The mother executes a form prescribed and furnished by the
13 state registrar attesting that the ~~husband is not the father~~ SPOUSE IS NOT
14 THE PARENT and that the putative father is the father, the putative father
15 executes a form prescribed and furnished by the state registrar attesting
16 that he is the father, and the ~~husband~~ SPOUSE executes a form prescribed
17 and furnished by the state registrar attesting that ~~he~~ THE SPOUSE is not the
18 father. Such forms may be joint or individual or a combination thereof,
19 and each signature shall be individually witnessed. In such event, the
20 putative father shall be shown as the father on the certificate.

21 (IV) A court of competent jurisdiction has determined the ~~husband~~
22 SPOUSE is not the presumed father and the putative father executes a form
23 prescribed and furnished by the state registrar ~~which~~ THAT is individually
24 witnessed attesting that he is the father and the mother executes a form
25 prescribed and furnished by the state registrar ~~which~~ THAT is individually
26 witnessed that the putative father is the father. In such event the putative
27 father ~~shall~~ MUST be shown as the father on the birth certificate.

1 **SECTION 50.** In Colorado Revised Statutes, 29-11.8-105,
2 **amend** (6) as follows:

3 **29-11.8-105. Licensing - general provisions.** (6) When a license
4 has been issued to a ~~husband and wife~~ MARRIED SPOUSE, the death of a
5 spouse ~~shall~~ DOES not require the surviving spouse to obtain a new
6 license. All rights and privileges granted under the original license ~~shall~~
7 continue in full force and effect as to the survivor for the balance of the
8 license.

9 **SECTION 51.** In Colorado Revised Statutes, 30-28-101, **amend**
10 (10)(c) introductory portion and (10)(c)(VII) as follows:

11 **30-28-101. Definitions.** As used in this part 1, unless the context
12 otherwise requires:

13 (10) (c) Unless the method of disposition is adopted for the
14 purpose of evading this part 1, the terms "subdivision" and "subdivided
15 land", as defined in ~~paragraph (a) of this subsection (10), shall~~
16 SUBSECTION (10)(a) OF THIS SECTION, DO not apply to any division of
17 land:

18 (VII) Which is created by the acquisition of an interest in land in
19 the name of a ~~husband and wife~~ MARRIED SPOUSES or other persons in
20 joint tenancy or as tenants in common, and any such interest ~~shall be~~ IS
21 deemed for purposes of this subsection (10) as only one interest;

22 **SECTION 52.** In Colorado Revised Statutes, 38-35-118, **amend**
23 (1) as follows:

24 **38-35-118. Homestead, how conveyed - claimant insane.**
25 (1) Except as provided in section 38-41-202 (3), to convey or encumber
26 homesteaded property, ~~the husband and wife~~ MARRIED SPOUSES, if the
27 owner ~~thereof~~ is married, shall execute the conveyance or encumbrance.

1 ~~Such~~ THE conveyance or encumbrance may be by one instrument or
2 separate instruments which may be acknowledged in the manner provided
3 by articles 30 to 44 of this ~~title~~ TITLE 38. A recital in any recorded
4 conveyance or encumbrance of real property of the marital status of the
5 party executing the same or that the property is or is not occupied as a
6 home by the owner ~~thereof~~ or his OR HER family shall be prima facie
7 evidence of the facts. ~~therein stated.~~ If the owner of the homesteaded
8 property and a person of the opposite sex, both bearing the same surname,
9 join in the conveyance or encumbrance, ~~thereof~~, the identity of surnames
10 shall be prima facie evidence that such parties are husband and wife for
11 the purposes of this ~~article~~ ARTICLE 35.

12 **SECTION 53.** In Colorado Revised Statutes, 38-36-104, **amend**
13 (1) introductory portion and (1)(b) as follows:

14 **38-36-104. Contents of application.** (1) The application ~~shall~~
15 MUST be in writing and ~~shall~~ MUST be signed and verified by the oath of
16 the applicant or the person acting ~~in~~ ON his OR HER behalf. It ~~shall~~ MUST
17 set forth substantially:

18 (b) Whether the applicant (except in the case of a corporation) is
19 married or not, and if married, the name and residence of the ~~husband or~~
20 ~~wife~~ APPLICANT'S SPOUSE, and the age of the applicant;

21 **SECTION 54.** In Colorado Revised Statutes, **amend** 38-36-134
22 as follows:

23 **38-36-134. Contents of decree - certified copy filed.** (1) Every
24 decree of registration ~~shall~~ MUST bear the year, day, hour, and minute of
25 its entry and ~~shall~~ MUST be signed by one of the judges of the district
26 court. ~~It shall~~ THE DECREE OF REGISTRATION MUST ALSO:

27 (a) State whether the owner is married or unmarried and, if

1 married, the name of the ~~husband or wife~~ OWNER'S SPOUSE;

2 (b) If the owner is under disability, ~~it shall~~ state the nature of the

3 disability, and, if a minor, ~~shall~~ state his OR HER age;

4 (c) ~~It shall~~ Contain a description of the land as finally determined

5 by the court and ~~shall~~ set forth the estate of the owner, and also, in such

6 manner as to show their relative priority, all particular estates, mortgages,

7 easements, liens, attachments, homesteads, and other encumbrances,

8 including rights of ~~husband and wife~~ EACH SPOUSE, if any, to which the

9 land or the owner's estate is subject and ~~shall~~ contain any other matter or

10 information properly to be determined by the court in pursuance of this

11 ~~article. The decree shall~~ ARTICLE 36; AND

12 (d) Be stated in a convenient form for transcription upon the

13 certificate of title, to be made as provided in section 38-36-139 by the

14 registrar of titles.

15 (2) Immediately upon the filing of the decree of registration, the

16 clerk shall file a certified copy ~~thereof~~ in the office of the registrar of

17 titles.

18 **SECTION 55.** In Colorado Revised Statutes, **amend** 38-36-139

19 as follows:

20 **38-36-139. Contents and form of certificate of registration.**

21 (1) The certificate of registration ~~shall~~ MUST contain the name of the

22 owner, a description of the land and of the estate of the owner, and ~~shall~~

23 MUST by memorial or notation contain a description of all encumbrances,

24 liens, and interest to which the estate of the owner is subject. ~~It shall~~ THE

25 CERTIFICATE OF REGISTRATION MUST ALSO:

26 (a) State the residence of the owner and, if a minor, give his OR

27 HER age;

- 1 (b) If THE OWNER IS under disability, ~~it shall~~ state the nature of the
2 disability;
- 3 (c) ~~it shall~~ State whether married or not, and, if married, the name
4 of the ~~husband or wife~~ OWNER'S SPOUSE;
- 5 (d) In case of a trust, condition, or limitation, ~~it shall~~ state the
6 trust, condition, or limitation, as the case may be;
- 7 (e) ~~It shall~~ Contain and conform in respect to all statements in the
8 certified copy of the decree of registration filed with the registrar of titles
9 as provided in section 38-36-134; and
- 10 (f) ~~shall~~ Be in a form substantially as follows:

11 FIRST CERTIFICATE OF TITLE.

12 Pursuant to order of district court of county.

13 STATE OF COLORADO)

14) ss.

15 County of)

16 This is to certify that A B of, county of
17, state of is now the owner of an estate (describe the
18 estate) of, and in (describe the land), subject to the encumbrances, liens,
19 and interests noted by the memorial underwritten or endorsed thereon,
20 subject to the exceptions and qualifications mentioned in section
21 38-36-133. (Here note all statements provided herein to appear upon the
22 certificate.)

23 In witness whereof, I have hereunto set my hand and affixed the
24 official seal of my office this day of, A.D. 20.... .

25 (Seal)

26

27 Registrar of Titles.

1 **SECTION 56.** In Colorado Revised Statutes, **amend** 38-36-157
2 as follows:

3 **38-36-157. Registered land subject to same laws as**
4 **unregistered land.** Registered land and ownership ~~therein shall~~ MUST in
5 all respects be subject to the same burdens and incidents which attach by
6 law to unregistered land. Nothing in this ~~article shall~~ ARTICLE 36 in any
7 way ~~be construed to relieve~~ RELIEVES registered land or the owners
8 ~~thereof~~ from any rights incident to the relation of ~~husband and wife~~
9 MARRIED SPOUSES, or from liability to attachment on mesne process, or
10 levy on execution, or from liability of any lien of any description
11 established by law on land and the improvements thereon, or the interest
12 of the owner in ~~such~~ THE land or improvements, or to change the laws of
13 descent, or the rights of partition between cotenants, or the right to take
14 the same by eminent domain, or to relieve ~~such~~ THE land from liability to
15 be recovered by an assignee in insolvency or trustee in bankruptcy under
16 the provisions of law relating thereto, or to change or affect in any way
17 any other rights or liabilities created by law and applicable to unregistered
18 land, except as otherwise expressly provided in this ~~article~~ ARTICLE 36.

19 **SECTION 57.** In Colorado Revised Statutes, **amend** 38-41-208
20 as follows:

21 **38-41-208. Survival of exemption.** (1) If the property qualifies
22 as a homestead for a joint tenant who is the ~~husband or wife~~ SPOUSE of
23 the other joint tenant or one of the other joint tenants, then, upon the
24 death of either spouse, the homestead ~~shall continue~~ CONTINUES in effect
25 on the interest in ~~such~~ THE property of the surviving spouse. If the
26 property qualifies as a homestead for a joint tenant who is the parent of
27 one or more of the other joint tenants who are minors, then, upon the

1 death of such parent leaving no spouse surviving, the homestead ~~shall~~
2 ~~continue~~ CONTINUES in effect on the interest in ~~such~~ THE property of the
3 surviving minor children.

4 (2) If the property qualifies as a homestead for a joint tenant who
5 is not related to any other joint tenant as ~~husband or wife~~ A SPOUSE or
6 parent and minor child, then, upon the death of ~~such~~ THE joint tenant, his
7 OR HER homestead ~~shall cease and terminate~~ CEASES AND TERMINATES,
8 and THE SURVIVING TENANTS SHALL HOLD the property ~~shall be held by~~
9 ~~the surviving tenants~~ free of any homestead interest of ~~such~~ THE decedent,
10 his OR HER spouse, or his OR HER minor children.

11 **SECTION 58.** In Colorado Revised Statutes, 39-29-114, **amend**
12 (3) as follows:

13 **39-29-114. Component members of a controlled group treated**
14 **as one taxpayer - definition.** (3) In the case of individuals who are
15 members of the same family, the exemptions allowed under this ~~article~~
16 ~~shall~~ ARTICLE 29 MUST be allocated among ~~such~~ THE individuals in
17 proportion to their respective quantities of production from the property
18 of ~~such~~ THE individuals. For the purposes of this ~~article~~ ARTICLE 29, the
19 family of an individual ~~shall be deemed to include~~ INCLUDES only his OR
20 HER spouse and children.

21 **SECTION 59.** In Colorado Revised Statutes, **amend** 40-33-101
22 as follows:

23 **40-33-101. Damages for injury of employee.** Every common
24 carrier by railroad in the state of Colorado ~~shall be~~ IS liable in damages
25 to any person suffering injury while he OR SHE is employed by ~~such~~ THE
26 carrier in or about the transporting or handling of any freight, property,
27 passengers, engine, locomotive, or other vehicle upon the tracks of ~~such~~

1 THE carrier, or in case of the death of ~~such~~ THE employee, to his OR HER
2 personal representative for the benefit of the surviving ~~widow, or husband~~
3 SPOUSE, children, parents, or dependents of ~~such~~ THE employee, for such
4 injury or death resulting in whole or in part from the negligence of any of
5 the officers, agents, or employees of ~~such~~ THE employer, or by reason of
6 any defect or insufficiency due to the employer's negligence.

7 **SECTION 60.** In Colorado Revised Statutes, **amend** 40-33-108
8 as follows:

9 **40-33-108. Right of action survives.** Any right of action given
10 by this ~~article~~ ARTICLE 33, to a person suffering injury ~~shall survive~~
11 SURVIVES to his OR HER personal representative, for the benefit of the
12 surviving ~~widow or husband~~ SPOUSE and children of ~~such~~ THE employee;
13 and, if none, then of ~~such~~ THE employee's parents; and, if none, then of
14 the next of kin dependent upon ~~such~~ THE employee, but in such cases
15 there ~~shall~~ MUST be only one recovery for the same injury.

16 **SECTION 61. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.

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MEMORANDUM (2)(a)¹

TO: Statutory Revision Committee

FROM: Jane M. Ritter, Office of Legislative Legal Services

DATE: November 9, 2017

SUBJECT: Modernize terminology related to "county departments of social services"

Summary

In 1993, the General Assembly passed H.B. 93-1317, which, among other things restructured the state department of human services. As part of that bill, the goal was to have the state department be referred to as the "state department of *human* services" and county departments referred to as "county departments of *social* services." Over time, however, the terminology that county departments use has become blurred, and now both county departments of social services *and* county departments of human services exist.

This presents a problem of clarity in the statutes when a reference is to a "county department of *social* services." Does that reference apply equally to a county that has a department of *human* services? Is the county department of *social* services exempt from statutes that refer to a county department of *human* services? An argument can, and has, been made either way. Therefore, it is important to make the statutes consistently refer to "county departments of *human or social* services."

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Statutory Charge²

Updating and modernizing outdated references to "county departments of social services" meets the Statutory Revision Committee's statutory charge to modernize outdated language and to bring the law of this state into harmony with modern conditions.

Proposed Bill

The attached bill draft (See **Addendum A**) makes the necessary changes to modernize outdated statutory references to "county departments of social services" into "county departments of human or social services."

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Addendum A

Second Regular Session Seventy-first General Assembly STATE OF COLORADO

Bill (2)(a)

Temporary storage location: S:\LLS\2018A\Bills\Pre-Draft\18-SRC county depts social services.wpd

LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING UPDATING STATUTORY REFERENCES TO "COUNTY**
102 **DEPARTMENTS OF SOCIAL SERVICES".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill modernizes outdated references in statute to "county department(s) of social services", or similar terms, to "county department(s) of human or social services". Counties throughout the state have different ways of referring to the department in the county that does human or social services work, so it

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

is necessary for statute to reflect that not all counties departments go by one label.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of House Bill/Senate Bill 18-____, enacted in 2018, is to effect a nonsubstantive change in statute to modernize outdated references to "county department(s) of social services" to a term that reflects that counties use different labels for the department that handles human and social services duties. The general assembly further declares that these terminology changes do not in any way alter the scope or applicability of the statutory sections in which the terminology appears.

SECTION 2. In Colorado Revised Statutes, 8-40-202, **amend** (1)(a)(III) as follows:

8-40-202. Employee. (1) "Employee" means:

(a) (III) Any person who, as part of a rehabilitation program of the DEPARTMENT OF HUMAN OR social services ~~department~~ of any county or city and county, is placed with a private employer for the purpose of training or learning trades or occupations ~~shall be~~ is deemed while so engaged to be an employee of such private employer. Any person who receives a work experience assignment to a position in any department or agency of any county or municipality, in any school district, in the office of any state agency or political subdivision thereof, or in any private for profit or any nonprofit agency pursuant to the provisions of part 7 of article 2 of title 26 C.R.S., ~~shall be~~ is deemed while so assigned to be an employee of the respective department, agency, office, political subdivision, private for profit or nonprofit agency, or school district to which said person is assigned or, if so negotiated between the county and

1 the entity to which the person is assigned, of the county arranging the
2 work experience assignment. Any person who receives a work experience
3 assignment to a position in any federal office or agency pursuant to part
4 7 of article 2 of title 26 ~~C.R.S., shall be~~ is deemed while so assigned to be
5 an employee of the county arranging the work experience assignment.
6 The rate of compensation for such persons if accidentally injured or, if
7 killed, for their dependents ~~shall be~~ is based upon the wages normally
8 paid in the community in which they reside for the type of work in which
9 they are engaged at the time of such injury or death; except that, if any
10 such person is a minor, compensation to such minor for permanent
11 disability, if any, or death benefits to such minor's dependents ~~shall~~ MUST
12 be paid at the maximum rate of compensation payable under articles 40
13 to 47 of this ~~title~~ TITLE 8 at the time of the determination of such disability
14 or of such death.

15 **SECTION 3.** In Colorado Revised Statutes, 8-43-204, **amend** (5)
16 as follows:

17 **8-43-204. Settlements - rules.** (5) If an employee owes a debt for
18 which a writ is issued as a result of a judgment for fraudulently obtained
19 public assistance, fraudulently obtained overpayments of public
20 assistance, or excess public assistance paid for which the recipient was
21 ineligible and a garnishment has been filed pursuant to section 13-54-104
22 or 13-54.5-101 ~~C.R.S.,~~ with the insurer or self-insured employer, all
23 proceeds of any award, lump sum settlement, and the indemnity portion
24 of any structured settlement ~~shall be~~ ARE subject to the garnishment.
25 Proceeds up to the amount of the garnishment shall be paid as directed by
26 the county department of HUMAN OR social services responsible for
27 administering the state public assistance programs.

1 **SECTION 4.** In Colorado Revised Statutes, 12-43-215, **amend**
2 (3) as follows:

3 **12-43-215. Scope of article - exemptions.** (3) The provisions of
4 this ~~article shall~~ ARTICLE 43 DO not apply to employees of the STATE
5 department of human services, employees of county departments of
6 HUMAN OR social services, or personnel under the direct supervision and
7 control of the STATE department of human services or any county
8 department of HUMAN OR social services for work undertaken as part of
9 their employment.

10 **SECTION 5.** In Colorado Revised Statutes, 12-43-410, **amend**
11 (1) and (2) as follows:

12 **12-43-410. Employees of social services.** (1) Notwithstanding
13 the exemption in section 12-43-215 (3), an employee of the STATE
14 department of human services, employee of a county department of
15 human or social services, or personnel under the direct control or
16 supervision of those departments, shall not state that he or she is engaged
17 in the practice of social work as a social worker or refer to himself or
18 herself as a social worker unless the person is licensed pursuant to this
19 part 4 or has completed an earned social work degree, as defined in
20 section 12-43-401 (11).

21 (2) Notwithstanding the exemption in section 12-43-215 (3), any
22 employee licensed pursuant to this ~~article~~ ARTICLE 43 who is terminated
23 from employment by the STATE department of human services or a county
24 department of HUMAN OR social services is subject to review and
25 disciplinary action by the board that licenses or regulates the employee.

26 **SECTION 6.** In Colorado Revised Statutes, 13-3-114, **amend**
27 (1)(c) and (2)(b) as follows:

1 **13-3-114. State court administrator - compensation for**
2 **exonerated persons - definitions - annual payments - child support**
3 **payments - financial literacy training - qualified health plan -**
4 **damages awarded in civil actions - reimbursement to the state.** (1) As
5 used in this section, unless the context otherwise requires:

6 (c) "Incarceration" means a person's custody in a county jail or a
7 correctional facility while he or she serves a sentence issued pursuant to
8 the person's conviction of a felony or pursuant to the person's adjudication
9 as a juvenile delinquent for the commission of one or more offenses that
10 would be felonies if committed by a person eighteen years of age or older.
11 For the purposes of this section, "incarceration" includes placement as a
12 juvenile to the custody of the state department of human services or a
13 county department of HUMAN OR social services.

14 (2) Not more than fourteen days after the state court administrator
15 receives directions from a district court pursuant to section 13-65-103 to
16 compensate an exonerated person, the state court administrator shall:

17 (b) Pay on the exonerated person's behalf any amount of
18 compensation for child support payments owed by the exonerated person
19 that became due during his or her incarceration, or any amount of interest
20 on child support arrearages that accrued during his or her incarceration
21 but which have not been paid, as described in section 13-65-103
22 (2)(e)(III). The state court administrator, or his or her designee, shall
23 make such payment in a lump sum to the appropriate county department
24 of HUMAN OR social services or other agency responsible for receiving
25 such payments not more than thirty days after the state court administrator
26 receives directions from a district court to compensate an exonerated
27 person pursuant to section 13-65-103.

1 **SECTION 7.** In Colorado Revised Statutes, 13-5-145, **amend**
2 (2)(c) as follows:

3 **13-5-145. Truancy detention reduction policy - legislative**
4 **declaration.** (2) The chief judge in each judicial district, or his or her
5 designee, shall convene a meeting of community stakeholders to create
6 a policy for addressing truancy cases that seeks alternatives to the use of
7 detention as a sanction for truancy. Community stakeholders may include,
8 but need not be limited to:

9 (c) Representatives from county DEPARTMENTS OF human OR
10 SOCIAL services; ~~and social services departments;~~

11 **SECTION 8.** In Colorado Revised Statutes, 13-14-103, **amend**
12 (1)(c) as follows:

13 **13-14-103. Emergency protection orders.** (1) (c) In cases
14 involving a minor child, the juvenile court and the district court ~~shall~~ have
15 the authority to issue emergency protection orders to prevent an unlawful
16 sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, or to prevent
17 domestic abuse, as defined in section 13-14-101 (2), when requested by
18 the local law enforcement agency, the county department of HUMAN OR
19 social services, or a responsible person who asserts, in a verified petition
20 supported by affidavit, that there are reasonable grounds to believe that
21 a minor child is in danger in the reasonably foreseeable future of being
22 the victim of an unlawful sexual offense or domestic abuse, based upon
23 an allegation of a recent actual unlawful sexual offense or domestic abuse
24 or threat of the same. Any emergency protection order issued pursuant to
25 this subsection (1) ~~shall~~ **MUST** be on a standardized form prescribed by the
26 judicial department and a copy ~~shall~~ **MUST** be provided to the protected
27 person.

1 **SECTION 9.** In Colorado Revised Statutes, 13-54-104, **amend**
2 (1)(b)(IV) as follows:

3 **13-54-104. Restrictions on garnishment and levy under**
4 **execution or attachment - definitions.** (1) As used in this section,
5 unless the context otherwise requires:

6 (b) (IV) For the purposes of writs of garnishment issued by a
7 county department of HUMAN OR social services responsible for
8 administering the state public assistance programs, which writs are issued
9 as a result of a judgment for a debt for fraudulently obtained public
10 assistance, fraudulently obtained overpayments of public assistance, or
11 excess public assistance paid for which the recipient was ineligible,
12 "earnings" ~~shall include~~ INCLUDES workers' compensation benefits.

13 **SECTION 10.** In Colorado Revised Statutes, 13-54.5-101,
14 **amend** the introductory portion and (2)(d) as follows:

15 **13-54.5-101. Definitions.** As used in this ~~article~~ ARTICLE 54.5,
16 unless the context otherwise requires:

17 (2) (d) For the purposes of writs of garnishment issued by a
18 county department of HUMAN OR social services responsible for
19 administering the state public assistance programs, which writs are issued
20 as a result of a judgment for a debt for fraudulently obtained public
21 assistance, fraudulently obtained overpayments of public assistance, or
22 excess public assistance paid for which the recipient was ineligible,
23 "earnings" ~~shall include~~ INCLUDES workers' compensation benefits.

24 **SECTION 11.** In Colorado Revised Statutes, 13-65-101, **amend**
25 the introductory portion and (5) as follows:

26 **13-65-101. Definitions.** As used in this ~~article~~ ARTICLE 65, unless
27 the context otherwise requires:

1 (5) "Incarceration" means a person's custody in a county jail or a
2 correctional facility while he or she serves a sentence issued pursuant to
3 a felony conviction in this state or pursuant to the person's adjudication
4 as a juvenile delinquent for the commission of one or more offenses that
5 would be felonies if committed by a person eighteen years of age or older.
6 For the purposes of this section, "incarceration" includes placement as a
7 juvenile to the custody of the state department of human services or a
8 county department of HUMAN OR social services pursuant to such an
9 adjudication.

10 **SECTION 12.** In Colorado Revised Statutes, **amend** 14-10-107.5
11 as follows:

12 **14-10-107.5. Entry of appearance to establish support.** (1) The
13 attorney for the county department of HUMAN OR social services may file
14 an entry of appearance on behalf of the department in any proceeding for
15 dissolution of marriage or legal separation under this ~~article~~ ARTICLE 10
16 for purposes of establishing, modifying, and enforcing child support and
17 medical support if any party is receiving support enforcement services
18 pursuant to section 26-13-106, ~~C.R.S.~~, and for purposes of establishing
19 and enforcing reimbursement of payments for temporary assistance to
20 needy families.

21 (2) The county department of HUMAN OR social services, upon the
22 filing of the entry of appearance described in subsection (1) of this
23 section or upon the filing of a legal pleading to establish, modify, or
24 enforce the support obligation, ~~shall be~~ IS from that date forward, without
25 leave or order of court, a third-party intervenor in the action for the
26 purposes outlined in subsection (1) of this section without the necessity
27 of filing a motion to intervene.

1 **SECTION 13.** In Colorado Revised Statutes, **amend** 14-10-107.7
2 as follows:

3 **14-10-107.7. Required notice of involvement with state**
4 **department of human services.** When filing a petition for dissolution of
5 marriage or legal separation, a petition in support or proceedings for the
6 allocation of parental responsibilities with respect to the children of the
7 marriage, or any other matter pursuant to this ~~article~~ ARTICLE 10 with the
8 court, if the parties have joint legal responsibility for a child for whom the
9 petition seeks an order of child support, the parties ~~shall be~~ ARE required
10 to indicate on a form prepared by the court whether or not the parties or
11 the dependent children of the parties have received within the last five
12 years or are currently receiving benefits or public assistance from either
13 the state department of human services or county department of HUMAN
14 OR social services. If the parties indicate that they have received such
15 benefits or assistance, the court shall inform the appropriate delegate
16 child support enforcement unit so that the unit can determine whether any
17 support enforcement services are required. There ~~shall be~~ IS no penalty
18 for failure to report as specified in this section.

19 **SECTION 14.** In Colorado Revised Statutes, 14-10-115, **amend**
20 (16)(c) as follows:

21 **14-10-115. Child support guidelines - purpose - definitions -**
22 **determination of income - schedule of basic child support obligations**
23 **- adjustments to basic child support - additional guidelines - child**
24 **support commission.** (16) **Child support commission.** (c) The child
25 support commission ~~shall consist~~ CONSISTS of no more than twenty-one
26 members. The governor shall appoint persons to the commission who are
27 representatives of the judiciary and the Colorado bar association.

1 Members of the commission appointed by the governor ~~shall~~ MUST also
2 include the director of the division in the state department of human
3 services that is responsible for child support enforcement, or his or her
4 designee, a director of a county department of HUMAN OR social services,
5 the child support liaison to the judicial department, interested parties, a
6 certified public accountant, and parent representatives. In making his or
7 her appointments to the commission, the governor may appoint persons
8 as parent representatives. In making his or her appointments to the
9 commission, the governor shall attempt to assure geographical diversity.
10 The remaining two members of the commission ~~shall be~~ ARE a member
11 of the house of representatives appointed by the speaker of the house of
12 representatives and a member of the senate appointed by the president of
13 the senate and ~~shall~~ MUST not be members of the same political party.

14 **SECTION 15.** In Colorado Revised Statutes, 14-10-127, **amend**
15 (1)(a)(I) as follows:

16 **14-10-127. Evaluation and reports - disclosure.** (1) (a) (I) In all
17 proceedings concerning the allocation of parental responsibilities with
18 respect to a child, the court may, upon motion of either party or upon its
19 own motion, order any county or district DEPARTMENT OF HUMAN OR
20 social services ~~department~~ or a licensed mental health professional
21 qualified pursuant to subsection (4) of this section to perform an
22 evaluation and file a written report concerning the disputed issues relating
23 to the allocation of parental responsibilities for the child, unless ~~such~~ THE
24 motion by either party is made for the purpose of delaying the
25 proceedings. Any court or ANY PERSONNEL OF A COUNTY OR DISTRICT
26 DEPARTMENT OF HUMAN OR social services ~~department personnel~~
27 appointed by the court to do such evaluation ~~shall~~ MUST be qualified

1 pursuant to subsection (4) of this section. When a mental health
2 professional performs the evaluation, the court shall appoint or approve
3 the selection of the mental health professional. Within seven days after
4 the appointment, the evaluator shall comply with the disclosure
5 provisions of subsection (1.2) of this section. The court shall, at the time
6 of the appointment of the evaluator, order one or more of the parties to
7 deposit a reasonable sum with the court to pay the cost of the evaluation.
8 The court may order the reasonable charge for ~~such~~ THE evaluation and
9 report to be assessed as costs between the parties at the time the
10 evaluation is completed.

11 **SECTION 16.** In Colorado Revised Statutes, 14-14-102, **amend**
12 the introductory portion and (2) as follows:

13 **14-14-102. Definitions.** As used in this ~~article~~ ARTICLE 14, unless
14 the context otherwise requires:

15 (2) "Delegate child support enforcement unit" means the unit of
16 a county department of HUMAN OR social services or its contractual agent
17 ~~which~~ THAT is responsible for carrying out the provisions of this ~~article~~
18 ARTICLE 14. The term "contractual agent" ~~shall include~~ INCLUDES a
19 private child support collection agency, operating as an independent
20 contractor with a county department of HUMAN OR social services, or a
21 district attorney's office, that contracts to provide any services that the
22 delegate child support enforcement unit is required by law to provide.

23 **SECTION 17.** In Colorado Revised Statutes, 14-14-104, **amend**
24 (1), (2), (3), (4), and (6) as follows:

25 **14-14-104. Recovery for child support debt.** (1) Any payment
26 of public assistance by a county department of HUMAN OR social services
27 made to or for the benefit of any dependent child or children creates a

1 debt, which is due and owing to the county department of HUMAN OR
2 social services, recoverable by the county as a debt due to the state by the
3 parent or parents who are responsible for support of the dependent child
4 or children, or by the parent whose rights were terminated pursuant to
5 section 19-5-105.5 ~~C.R.S.~~, and who was ordered to pay child support for
6 the benefit of a dependent child, in an amount to be determined as
7 follows:

8 (a) Where there has been a court order directed to a parent, the
9 child support debt of that parent ~~shall be~~ IS an amount equal to the amount
10 of public assistance paid to the extent of the full amount of arrearages
11 under the order. However, the county department of HUMAN OR social
12 services, through its delegate child support enforcement unit, may petition
13 for modification of the order on the same grounds as a party to the action.

14 (b) Where there has been no court or administrative order for child
15 support, the county department of HUMAN OR social services, through its
16 delegate child support enforcement unit, may initiate a court or
17 administrative action to establish the amount of child support debt
18 accrued, and the court or delegate child support enforcement unit, after
19 hearing or upon stipulation or upon a default order, shall enter an order
20 for child support debt. The debt ~~shall~~ MUST be based on the amount of
21 current child support due, or which would have been due if there were an
22 existing order for child support, under the current child support
23 enforcement guidelines in effect on the date of the stipulation, default
24 order, or hearing to establish the child support debt times the number of
25 months the family received public assistance. The total amount of child
26 support debt ~~shall~~ MUST not exceed the total amount paid for public
27 assistance. A child support debt established pursuant to this paragraph (b)

1 ~~shall be~~ SUBSECTION (1)(b) IS in addition to any subsequent child support
2 debt accrued pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION
3 (1)(a) OF THIS SECTION.

4 (2) The county department of HUMAN OR social services, through
5 its delegate child support enforcement unit, ~~shall~~ MUST be subrogated to
6 the right of the dependent child or children or person having legal and
7 physical custody of said child or children or having been allocated
8 decision-making authority with respect to the child or children to pursue
9 any child support action existing under the laws of this state to obtain
10 reimbursement of public assistance expended. If a court enters a judgment
11 for or orders the payment of any amount of child support to be paid by an
12 obligor, the county department of HUMAN OR social services ~~shall~~ MUST
13 be subrogated to the debt created by such judgment or order.

14 (3) ~~No~~ AN agreement between any one parent or custodial person
15 or person allocated parental responsibilities and the obligor, either
16 relieving the obligor of any duty of support or responsibility therefor or
17 purporting to settle past, present, or future child support obligations either
18 as settlement or as prepayment, ~~shall~~ MUST NOT act to reduce or terminate
19 any rights of the county department of HUMAN OR social services to
20 recover from that obligor for any public assistance provided unless the
21 county department of HUMAN OR social services, through its delegate
22 child support enforcement unit, has consented to the agreement, in
23 writing, and ~~such~~ THE written consent has been incorporated into and
24 made a part of the agreement.

25 (4) Any parental rights with respect to custody or decision-making
26 responsibility with respect to a child or parenting time that are granted by
27 a court of competent jurisdiction or are subject to court review ~~shall~~ MUST

1 remain unaffected by the establishment or enforcement of a child support
2 debt or obligation by the county department of HUMAN OR social services
3 or other person pursuant to the provisions of this ~~article~~ ARTICLE 14; and
4 the establishment or enforcement of any such child support debt or
5 obligation ~~shall~~ MUST also remain unaffected by such parental rights with
6 respect to custody or decision-making responsibility with respect to a
7 child or parenting time.

8 (6) Creation of a child support debt ~~under~~ PURSUANT TO this
9 section ~~shall~~ MUST not modify or extinguish any rights ~~which~~ THAT the
10 county department of HUMAN OR social services has obtained or may
11 obtain under an assignment of child support rights, including the right to
12 recover and retain unreimbursed public assistance.

13 **SECTION 18.** In Colorado Revised Statutes, 15-12-622, **amend**
14 (1), (2), and (3) as follows:

15 **15-12-622. Public administrator - acting as conservator or**
16 **trustee.** (1) When appointed by a court of appropriate jurisdiction, the
17 public administrator may act as a conservator, temporary conservator,
18 special conservator, trustee, or other fiduciary of any estate that has assets
19 requiring protection. Each county department of HUMAN OR social
20 services may refer any resident of that county, or any nonresident located
21 in that county, to that county's public administrator for appropriate
22 protective proceedings if ~~such~~ THE department determines that ~~such~~ THE
23 person meets the standards required for court protective action.

24 (2) Any case referred to the public administrator pursuant to this
25 section by a county department of HUMAN OR social services ~~shall~~ MUST
26 be presented to the court of appropriate jurisdiction by a petition ~~which~~
27 ~~shall state~~ THAT STATES to the court that the public administrator has been

1 requested by the county department of HUMAN OR social services to act as
2 a conservator or other fiduciary for the person in need of protection, that
3 the public administrator is the nominee of that department, and that the
4 public administrator is not acting as an attorney for that department. The
5 public administrator may prepare and file such a petition if requested to
6 do so by the county department of HUMAN OR social services. The fact
7 that a public administrator has been requested by a county department of
8 HUMAN OR social services to act as a conservator or other fiduciary shall
9 not be construed by the court as granting any priority for his OR HER
10 appointment, and the court shall make that determination solely upon the
11 best interests of the person in need of protection. If the public
12 administrator is not appointed as conservator or other fiduciary and the
13 court determines that another individual should act as the conservator or
14 fiduciary, the court may award reasonable fees and costs to the public
15 administrator if the court determines that the efforts of the public
16 administrator were beneficial to the estate or contributed to the protection
17 of the protected person's assets. In cases where the court awards fees and
18 costs to the public administrator, to the extent that such funds are
19 available, such fees ~~shall~~ MUST be paid from the protected person's estate.
20 In cases in which the public administrator is not compensated from the
21 protected person's estate, the court may approve the payment of such fees
22 from state funds designated for the payment of court-appointed counsel
23 or fiduciaries. The court may determine the amount of fees to be paid
24 from such state funds as it deems to be just.

25 (3) In any case in which the public administrator has been
26 nominated to act as conservator or other fiduciary at the request of the
27 county department of HUMAN OR social services and ~~such~~ THE case

1 develops into a contested court proceeding, the department's own attorney
2 shall assume all aspects of the contested court case, and the public
3 administrator ~~shall~~ MUST not be required to be involved in such hearings
4 unless specifically directed to do so by the court.

5 **SECTION 19.** In Colorado Revised Statutes, 15-12-805, **amend**
6 (1)(f.7) as follows:

7 **15-12-805. Classification of claims.** (1) The personal
8 representative shall pay allowed claims against the estate of a decedent in
9 the following order:

10 (f.7) The claim of a county department of HUMAN OR social
11 services or the state department of human services for the excess public
12 assistance paid for which the recipient was ineligible;

13 **SECTION 20.** In Colorado Revised Statutes, 15-18.5-103,
14 **amend** (8) as follows:

15 **15-18.5-103. Proxy decision-makers for medical treatment**
16 **authorized - definitions.** (8) Except for a court acting on its own
17 motion, ~~no~~ A governmental entity, including the state department of
18 human services and the county departments of HUMAN OR social services,
19 may NOT petition the court as an interested person pursuant to part 3 of
20 article 14 of this ~~title~~ TITLE 15. In addition, nothing in this ~~article shall be~~
21 ~~construed to authorize~~ ARTICLE 18.5 AUTHORIZES the county director of
22 any county department of HUMAN OR social services, or designee of such
23 director, to petition the court pursuant to section 26-3.1-104 ~~C.R.S.~~, in
24 regard to any patient subject to the provisions of this ~~article~~ ARTICLE 18.5.

25 **SECTION 21.** In Colorado Revised Statutes, 16-11.7-103,
26 **amend** (1)(d)(X) as follows:

27 **16-11.7-103. Sex offender management board - creation -**

1 **duties - repeal.** (1) There is hereby created in the department of public
2 safety a sex offender management board that consists of twenty-five
3 members. The membership of the board must reflect, to the extent
4 possible, representation of urban and rural areas of the state and a balance
5 of expertise in adult and juvenile issues relating to persons who commit
6 sex offenses. The membership of the board consists of the following
7 persons who are appointed as follows:

8 (d) The executive director of the department of public safety shall
9 appoint sixteen members as follows:

10 (X) One member who is a county director of HUMAN OR social
11 services, appointed after consultation with a statewide group representing
12 counties; and

13 **SECTION 22.** In Colorado Revised Statutes, 17-1-113.5, **amend**
14 (4)(b) and (4)(c) as follows:

15 **17-1-113.5. Inmates held in correctional facilities - medical**
16 **benefits application assistance - county of residence - rules.**

17 (4) (b) The department of health care policy and financing shall
18 promulgate rules to simplify the processing of applications for medical
19 assistance pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a)
20 of this section and to allow inmates determined to be eligible for such
21 medical assistance to access the medical assistance upon release and
22 thereafter. If a county department of HUMAN OR social services
23 determines that an inmate is eligible for medical assistance, the county
24 shall enroll the inmate in medicaid effective upon release of the inmate.
25 At the time of the inmate's release, the correctional facility shall give the
26 inmate information and paperwork necessary for the inmate to access
27 medical assistance. ~~Such information shall be provided by~~ The applicable

1 county department of HUMAN OR social services SHALL PROVIDE SUCH
2 INFORMATION.

3 (c) The department of corrections shall attempt to enter into
4 prerelease agreements with local social security administration offices,
5 and, if appropriate, the county departments of HUMAN OR social services,
6 the STATE department of human services, or the department of health care
7 policy and financing to simplify the processing of applications for
8 medicaid or for supplemental security income to enroll inmates who are
9 eligible for medical assistance pursuant to section 25.5-5-101 (1)(f) or
10 25.5-5-201 (1)(j), ~~C.R.S.~~, effective upon release and to provide such
11 inmates with the information and paperwork necessary to access medical
12 assistance immediately upon release.

13 **SECTION 23.** In Colorado Revised Statutes, **amend** 17-26-118.5
14 as follows:

15 **17-26-118.5. Prevention of erroneous payments to prisoners**
16 **- identifying information reporting system.** (1) In order to eliminate
17 erroneous payments of benefits to persons confined in local jails in the
18 state, county sheriffs, the STATE department of human services, county
19 departments of HUMAN OR social services, and the department of labor
20 and employment shall cooperatively develop a system for reporting
21 identifying information about persons confined in local jails for a period
22 exceeding thirty days to state and county agencies responsible for the
23 administration of workers' compensation and public assistance benefits.
24 Such a system ~~shall~~ MUST be implemented on or before July 1, 2000,
25 within existing appropriations.

26 (2) On and after the implementation date of the information
27 reporting system developed pursuant to subsection (1) of this section, but

1 in any event no later than July 1, 2000, each sheriff in the state shall
2 periodically transmit identifying information about each person confined
3 for a period exceeding thirty days in any local jail within the sheriff's
4 jurisdiction to the STATE department of human services, county
5 departments of HUMAN OR social services, and the department of labor
6 and employment.

7 **SECTION 24.** In Colorado Revised Statutes, 18-1.3-106, **amend**
8 (8) and (9) as follows:

9 **18-1.3-106. County jail sentencing alternatives - work,**
10 **educational, and medical release - home detention - day reporting -**
11 **definitions.** (8) The board of county commissioners may, by resolution,
12 direct that functions of the sheriff ~~under~~ PURSUANT TO either subsection
13 (3) or (5) of this section, or both, be performed by the county department
14 of HUMAN OR social services; or, if the board of county commissioners
15 has not so directed, a court of record may order that the prisoner's
16 earnings be collected and disbursed by the clerk of the court. Such order
17 ~~shall~~ MUST remain in force until rescinded by the board or the court,
18 whichever made it.

19 (9) The county department of HUMAN OR social services shall, at
20 the request of the court, investigate and report to the court the amount
21 necessary for the support of the prisoner's dependents.

22 **SECTION 25.** In Colorado Revised Statutes, 18-1.9-104, **amend**
23 (1)(c)(V) as follows:

24 **18-1.9-104. Task force concerning treatment of persons with**
25 **mental health disorders in the criminal and juvenile justice systems**
26 **- creation - membership - duties.** (1) **Creation.** (c) The chair and
27 vice-chair of the committee shall appoint twenty-eight members as

1 follows:

2 (V) One member who represents the interests of county
3 departments of HUMAN OR social services;

4 **SECTION 26.** In Colorado Revised Statutes, 18-24-103, **amend**
5 (2)(a.5) introductory portion and (2)(a.5)(II) as follows:

6 **18-24-103. Collection and distribution of funds - child abuse**
7 **investigation surcharge fund - creation.** (2) (a.5) Each program that
8 receives ~~moneys~~ MONEY from the fund ~~shall~~ MUST:

9 (II) Have a signed interagency agreement and protocol with the
10 law enforcement agencies, the district attorney's office, and the county
11 department of HUMAN OR social services in the jurisdiction where the
12 program is operating;

13 **SECTION 27.** In Colorado Revised Statutes, 18-3-505, **amend**
14 (1)(b) introductory portion, (1)(b)(XVIII), and (1)(b)(XIX) as follows:

15 **18-3-505. Human trafficking council - created - duties - repeal.**

16 (1) (b) The membership of the council ~~shall~~ MUST reflect, to the extent
17 possible, representation of urban and rural areas of the state and a balance
18 of expertise, both governmental and nongovernmental, in issues relating
19 to human trafficking. The council ~~shall~~ MUST include members with
20 expertise in child welfare and human services to address the unique needs
21 of child victims, including those child victims who are involved in the
22 child welfare system. The membership of the council ~~shall consist~~
23 CONSISTS of the following persons, ~~who shall be~~ appointed as follows:

24 (XVIII) Two persons, each of whom is a director of a county
25 department of HUMAN OR social services, one from an urban county and
26 the other from a rural county, each ~~to be~~ appointed by the governor or his
27 or her designee;

1 (XIX) One person who provides child welfare services for a
2 county department of HUMAN OR social services, ~~to be~~ appointed by the
3 governor or his or her designee;

4 **SECTION 28.** In Colorado Revised Statutes, 19-1-103, **amend**
5 (51.3), (65), (69), (87.5), and (99) as follows:

6 **19-1-103. Definitions.** As used in this title 19 or in the specified
7 portion of this title 19, unless the context otherwise requires:

8 (51.3) "Foster care" means the placement of a child into the legal
9 custody or legal authority of a county department of HUMAN OR social
10 services for physical placement of the child in a kinship care placement
11 or certified or licensed facility or the physical placement of a juvenile
12 committed to the custody of the state department of human services into
13 a community placement.

14 (65) "Independent living" means a form of placement out of the
15 home arranged and supervised by the county department of HUMAN OR
16 social services ~~wherein~~ WHERE the child is established in a living situation
17 designed to promote and lead to the child's emancipation. Independent
18 living ~~shall~~ MUST only follow some other form of placement out of the
19 home.

20 (69) "Juvenile community review board", as used in article 2 of
21 this title 19, means any board appointed by a board of county
22 commissioners for the purpose of reviewing community placements under
23 article 2 of this title 19. The board, if practicable, ~~shall include~~ INCLUDES
24 but IS not ~~be~~ limited to a representative from a county department of
25 HUMAN OR social services, a local school district, a local law enforcement
26 agency, a local probation department, a local bar association, the division
27 of youth services, and private citizens.

1 (87.5) "Public adoption", as used in part 2 of article 5 of this title
2 TITLE 19, means an adoption involving a child who is in the legal custody
3 and guardianship of the county department of HUMAN OR social services
4 that has the right to consent to adoption for that child.

5 (99) "Special county attorney", as used in article 3 of this title
6 TITLE 19, means an attorney hired by a county attorney or city attorney of
7 a city and county or hired by a county department of HUMAN OR social
8 services with the concurrence of the county attorney or city attorney of a
9 city and county to prosecute dependency and neglect cases.

10 **SECTION 29.** In Colorado Revised Statutes, 19-1-115, **amend**
11 (4)(d)(I) as follows:

12 **19-1-115. Legal custody - guardianship - placement out of the**
13 **home - petition for review for need of placement.** (4) (d) (I) A decree
14 vesting legal custody of a child or providing for placement of a child with
15 an agency in which public ~~moneys are~~ MONEY IS expended ~~shall~~ MUST be
16 accompanied by an order of the court that obligates the parent of the child
17 to pay a fee, based on the parent's ability to pay, to cover the costs of the
18 guardian ad litem and of providing for residential care of the child. When
19 custody of the child is given to the county department of HUMAN OR social
20 services, ~~such~~ THE fee for residential care ~~shall~~ MUST be in accordance
21 with the fee requirements as provided by rule of the STATE department of
22 human services, and ~~such fee shall apply~~ THE FEE APPLIES, to the extent
23 unpaid, to the entire period of placement. When a child is committed to
24 the STATE department of human services, ~~such~~ THE fee for care and
25 treatment ~~shall~~ MUST be in accordance with the fee requirements as
26 provided by rule of the STATE department of human services, and ~~such fee~~
27 ~~shall apply~~ THE FEE APPLIES, to the extent unpaid, to the entire period of

1 placement.

2 **SECTION 30.** In Colorado Revised Statutes, 19-1-115.5, **amend**
3 (1)(b) as follows:

4 **19-1-115.5. Placement of children out of home - legislative**
5 **declaration.** (1) (b) The general assembly therefore determines that it
6 would serve the best interests of all children enrolled in a school district
7 if the number of children placed in out-of-home placement facilities by
8 county departments of HUMAN OR social services in each of the various
9 school districts is monitored so that the financial impact on all school
10 districts throughout the state is manageable and equitable and so that the
11 best interests of all children, whether or not in out-of-home placement,
12 can be served.

13 **SECTION 31.** In Colorado Revised Statutes, 19-1-116, **amend**
14 (1), (2)(a), (6), (7)(c)(I), (7)(d), and (7)(e) as follows:

15 **19-1-116. Funding - alternatives to placement out of the home**
16 **- services to prevent continued involvement in child welfare system.**
17 (1) The state department of human services shall reimburse allowable
18 expenses to county departments of HUMAN OR social services for foster
19 care. The state department's budget request for foster care ~~shall~~ MUST be
20 based upon the actual aggregate expenditure of federal, state, and local
21 funds of all counties during the preceding twenty-four months on foster
22 care. Special purpose funds, not to exceed five percent of the total
23 appropriation for foster care, ~~shall~~ MUST be retained by the STATE
24 department of human services for purposes of meeting emergencies and
25 contingencies in individual counties. The amount thus reimbursed to each
26 county ~~shall~~ MUST represent the total expenditure by an individual county
27 for foster care and for alternative services provided in conformance with

1 the plan prepared and approved pursuant to ~~paragraph (b) of subsection~~
2 ~~(2) and subsection (4)~~ SUBSECTIONS (2)(b) AND (4) of this section.

3 (2) (a) The county commissioners in each county may appoint a
4 placement alternatives commission consisting, where possible, of a
5 physician or a licensed health professional, an attorney, representatives
6 of a local law enforcement agency, representatives recommended by the
7 court and probation department, representatives from the county
8 department of HUMAN OR social services, a local mental health clinic, and
9 the county, district, or municipal public health agency, a representative of
10 a local school district specializing in special education, a representative
11 of a local community centered board, representatives of a local residential
12 child care facility and a private ~~not for profit~~ NONPROFIT agency
13 providing nonresidential services for children and families, a
14 representative specializing in occupational training or employment
15 programs, a foster parent, and one or more representatives of the lay
16 community. At least fifty percent of the commission members ~~shall~~ MUST
17 represent the private sector. The county commissioners of two or more
18 counties may jointly establish a district placement alternatives
19 commission. A placement alternatives commission may be consolidated
20 with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

21 (6) It is the intent of the general assembly that ~~no state moneys~~
22 STATE MONEY appropriated for placements out of the home ~~shall~~ MUST
23 NOT be used by county boards of HUMAN OR social services for the
24 development of new county-run programs or for the expansion of existing
25 staff or programs, if such development or expansion duplicates services
26 already provided in the community, including, but not limited to, day care
27 programs, independent living programs, home-based care, transitional

1 care, alternative school programs, counseling programs, street academies,
2 tutorial programs, and in-home treatment and counseling programs.

3 (7) (c) (I) The fund for each county ~~shall~~ MUST consist of
4 contributions, ~~which shall be~~ made by any state, county, or local agency,
5 of federal, state, or local funds appropriated to or contributed by such
6 agencies for child welfare services for at-risk children and their families.
7 Appropriated funds ~~shall~~ include, but ~~shall not be~~ ARE NOT limited to,
8 those appropriated to county departments of HUMAN OR social services,
9 the state department of human services, the department of public health
10 and environment, the department of education, the department of public
11 safety, the judicial department, and the job training partnership office in
12 the governor's office. Each state agency's contribution to a county's fund
13 ~~shall~~ MUST be contingent upon and equal to contributions from the
14 participating county and any other local agency that participates and seeks
15 money from the fund. Nothing in this subsection (7) ~~shall be construed to~~
16 ~~allow~~ ALLOWS the allocation of general fund ~~moneys~~ MONEY to any other
17 participating county in the same manner that such ~~moneys are~~ MONEY IS
18 allocated to Mesa county in accordance with section 2 of ~~HB~~ HOUSE BILL
19 93-1171, as enacted during the first regular session of the fifty-ninth
20 general assembly.

21 (d) The county board of HUMAN OR social services for a county
22 shall convene a meeting of the local and state agencies that provide child
23 welfare services to at-risk children and their families, that will participate
24 in the program, and that seek ~~moneys~~ MONEY from the county's fund. The
25 meeting ~~shall be~~ IS for the purpose of developing and adopting a
26 memorandum of understanding between such agencies and the county's
27 board of HUMAN OR social services concerning the amount of

1 contributions to the fund described in ~~paragraph (c) of this subsection (7)~~
2 SUBSECTION (7)(c) OF THIS SECTION and the allocation and use of ~~moneys~~
3 MONEY allocated from the fund. The memorandum of understanding ~~shall~~
4 MUST provide for the designation of a governing entity to oversee the
5 administration of the fund and a fiscal agent, a three-year plan, provisions
6 for evaluating the programmatic and fiscal impact and overall
7 effectiveness of the program, and a process for submitting the results of
8 ~~such~~ THE evaluation to the general assembly and state officials on an
9 annual basis.

10 (e) ~~The three-year plan described in paragraph (d) of this~~
11 ~~subsection (7) shall be reviewed for approval by~~ The state agencies
12 affected by the implementation of ~~such plan~~ THE THREE-YEAR PLAN
13 DESCRIBED IN SUBSECTION (7)(d) OF THIS SECTION SHALL REVIEW AND
14 APPROVE THE PLAN. The state agencies shall act on ~~such~~ THE plan within
15 ninety days after ~~such~~ THE plan is submitted to the state agencies. It is the
16 intent of the general assembly that the plan ~~described in said paragraph~~
17 ~~(d)~~ be implemented and that the state agencies cooperate in the PLAN'S
18 development and implementation. ~~of such plan.~~ Prior to the
19 implementation of the program, a copy of the approved plan ~~shall~~ MUST
20 be submitted to the joint budget committee of the general assembly. Prior
21 to the expiration of the three-year plan, the county board of HUMAN OR
22 social services shall follow the procedures described in ~~paragraph (d) of~~
23 ~~this subsection (7)~~ SUBSECTION (7)(d) OF THIS SECTION for readoption of
24 or revisions to the three-year plan.

25 **SECTION 32.** In Colorado Revised Statutes, 19-1-123, **amend**
26 (1)(a) as follows:

27 **19-1-123. Expedited procedures for permanent placement -**

1 **children under the age of six years - designated counties.** (1) (a) The
2 expedited procedures for the permanent placement of children under the
3 age of six years required by article 3 of this ~~title shall~~ TITLE 19 MUST be
4 implemented on a county-by-county basis beginning July 1, 1994. The
5 STATE department of human services, in consultation with the judicial
6 department and the governing boards of each county department of
7 HUMAN OR social services, shall have the responsibility for establishing
8 an implementation schedule ~~which~~ THAT provides for statewide
9 implementation of such expedited procedures by June 30, 2004. A
10 designated county ~~shall be~~ IS required to implement the expedited
11 procedures on and after the implementation date applicable to the county
12 as specified in the implementation schedule for each new case filed in the
13 county involving a child who is under six years of age at the time a
14 petition is filed in accordance with section 19-3-501 (2).

15 **SECTION 33.** In Colorado Revised Statutes, 19-1-126, **amend**
16 (3) as follows:

17 **19-1-126. Compliance with the federal "Indian Child Welfare**
18 **Act".** (3) The state department of human services and the county
19 departments of HUMAN OR social services are encouraged to work
20 cooperatively in the sharing of information that any of such agencies
21 obtains or receives concerning any federally recognized tribal entities
22 existing outside the state of Colorado, including but not limited to
23 information about the appropriate person from ~~any such~~ A tribal entity to
24 contact with the notice prescribed by this section.

25 **SECTION 34.** In Colorado Revised Statutes, **amend** 19-1-127 as
26 follows:

27 **19-1-127. Responsibility for placement and care.**

1 (1) "Responsibility for placement and care", for purposes of compliance
2 with federal requirements pursuant to the federal "Social Security Act",
3 42 U.S.C. sec. 672 (2), means the specified entity is considered to have
4 the responsibility for placement and care of a child if:

5 (a) A county department of HUMAN OR social services has entered
6 into a voluntary placement agreement with the parent or guardian of the
7 child;

8 (b) A court, as a result of a petition for review of need of
9 placement, has determined that a county department of HUMAN OR social
10 services shall have continuing placement and care responsibility of the
11 child who entered care pursuant to a voluntary placement;

12 (c) A court has awarded legal custody of the child to a county
13 department of HUMAN OR social services, or has committed the child to
14 the custody of the state department of human services; or

15 (d) An agency, such as a tribal agency, with which the state
16 department of human services has a contract pursuant to the federal
17 "Social Security Act", has placement and care responsibility of the child
18 pursuant to a voluntary placement agreement or a court order awarding
19 custody of the child to the agency.

20 **SECTION 35.** In Colorado Revised Statutes, 19-1-209, **amend**
21 (1)(b) as follows:

22 **19-1-209. Role and responsibilities of guardians ad litem -**
23 **other parties.** (1) (b) The CASA program will help facilitate the
24 cooperation and sharing of information among CASA volunteers, the
25 attorneys, the county department of HUMAN OR social services, and other
26 community agencies.

27 **SECTION 36.** In Colorado Revised Statutes, 19-1-307, **amend**

1 (2)(a), (2)(j), (2)(j.5), (2)(m) introductory portion, and (2)(m)(I) as
2 follows:

3 **19-1-307. Dependency and neglect records and information -**
4 **access - fee - rules - records and reports fund - misuse of information**
5 **- penalty - adult protective services data system check. (2) Records**
6 **and reports - access to certain persons - agencies.** Except as otherwise
7 provided in section 19-1-303, only the following persons or agencies shall
8 have access to child abuse or neglect records and reports:

9 (a) The law enforcement agency, district attorney, coroner, or
10 county or district department of HUMAN OR social services investigating
11 a report of a known or suspected incident of child abuse or neglect or
12 treating a child or family ~~which~~ THAT is the subject of the report;

13 (j) The state department of human services or a county or district
14 department of HUMAN OR social services or a child placement agency
15 investigating an applicant for a license to operate a child care facility or
16 agency pursuant to section 26-6-107, ~~C.R.S.~~, when the applicant, as a
17 requirement of the license application, has given written authorization to
18 the licensing authority to obtain information contained in records or
19 reports of child abuse or neglect. Access to the records and reports of
20 child abuse or neglect granted to the named department or agencies ~~shall~~
21 MUST serve only as the basis for further investigation.

22 (j.5) The state department of human services or a county or district
23 department of HUMAN OR social services investigating an exempt family
24 child care home provider pursuant to section 26-6-120, ~~C.R.S.~~, as a
25 prerequisite to issuance or renewal of a contract or any payment
26 agreement to receive ~~moneys~~ MONEY for the care of a child from publicly
27 funded state child care assistance programs. Access to the records and

1 reports of child abuse or neglect granted to the named department or
2 agencies ~~shall~~ MUST serve only as the basis for further investigation.

3 (m) The state department of human services and the county
4 departments of HUMAN OR social services, for the following purposes:

5 (I) Screening any person who seeks employment with, is currently
6 employed by, or who volunteers for service with the state department of
7 human services, department of health care policy and financing, or a
8 county department of HUMAN OR social services, if ~~such~~ THE person's
9 responsibilities include direct contact with children;

10 **SECTION 37.** In Colorado Revised Statutes, **amend** 19-1-308 as
11 follows:

12 **19-1-308. Parentage information.** Notwithstanding any other law
13 concerning public hearings and records, any hearing or trial held ~~under~~
14 PURSUANT TO article 4 of this ~~title shall~~ TITLE 19 MUST be held in closed
15 court without admittance of any person other than those necessary to the
16 action or proceeding. In addition to access otherwise provided for
17 pursuant to section 19-1-303, all papers and records pertaining to the
18 action or proceeding ~~which~~ THAT are part of the permanent record of the
19 court are subject to inspection by the parties to the action and their
20 attorneys of record, and such parties and their attorneys ~~shall be~~ ARE
21 subject to a court order ~~which shall~~ THAT MUST be in effect against all
22 parties to the action prohibiting ~~such~~ THE parties from disclosing the
23 genetic testing information contained in the court's record. Such court
24 papers and records ~~shall not be~~ ARE NOT subject to inspection by any
25 person not a party to the action except the state child support enforcement
26 agency or delegate child support enforcement units for the purposes set
27 forth in section 19-1-303 (4.4) or upon consent of the court and all parties

1 to the action, or, in exceptional cases only, upon an order of the court for
2 good cause shown. All papers and records in the custody of the county
3 department of HUMAN OR social services ~~shall~~ MUST be available for
4 inspection by the parties to the action only upon the consent of all parties
5 to the action and as provided by section 26-1-114, ~~C.R.S.~~, or by the rules
6 governing discovery, but ~~such~~ THE papers and records ~~shall~~ MUST not be
7 subject to inspection by any person not a party to the action except upon
8 consent of all parties to the action; except that the results of genetic
9 testing may be provided to all parties, when available, notwithstanding
10 laws governing confidentiality and without the necessity of formal
11 discovery. Any person receiving or inspecting paternity information in the
12 custody of the county department of HUMAN OR social services ~~shall be~~
13 IS subject to a court order ~~which shall~~ THAT MUST be in effect prohibiting
14 such persons from disclosing the genetic testing information contained in
15 the department's record.

16 **SECTION 38.** In Colorado Revised Statutes, 19-2-105, **amend**
17 (1)(b) as follows:

18 **19-2-105. Venue.** (1) (b) For purposes of determining proper
19 venue, a juvenile who is placed in the legal custody of a county
20 department of HUMAN OR social services ~~shall be~~ IS deemed for the entire
21 period of placement to reside in the county in which the juvenile's legal
22 custodian is located, even if the juvenile is physically residing in a
23 residential facility located in another county. If a juvenile is placed in the
24 legal custody of a county department of HUMAN OR social services, the
25 court shall not transfer venue during the period of placement to any
26 county other than the county in which the juvenile's legal custodian is
27 located.

1 **SECTION 39.** In Colorado Revised Statutes, 19-2-113, **amend**
2 (1)(a) as follows:

3 **19-2-113. Parental accountability.** (1) (a) The parent, guardian,
4 or legal custodian of any juvenile subject to proceedings under this ~~article~~
5 ARTICLE 2 is required to attend all proceedings that may be brought under
6 this ~~article~~ ARTICLE 2 concerning the juvenile. The court may impose
7 contempt sanctions against said parent, guardian, or legal custodian for
8 failure, without good cause, to attend any proceeding concerning the
9 juvenile; except that, if the juvenile's legal custodian is a county
10 department of HUMAN OR social services or the STATE department of
11 human services, the legal custodian need not attend any proceeding at
12 which the juvenile's guardian ad litem is present.

13 **SECTION 40.** In Colorado Revised Statutes, 19-2-204, **amend**
14 (4)(a) as follows:

15 **19-2-204. Juvenile probation departments or divisions -**
16 **service agreements.** (4) (a) The juvenile court judges are authorized to
17 enter into agreements with the STATE department of human services,
18 county departments of HUMAN OR social services, other public agencies,
19 private agencies, or with other juvenile courts to provide supervision or
20 other services for juveniles placed on probation by the court.

21 **SECTION 41.** In Colorado Revised Statutes, **amend** 19-2-211 as
22 follows:

23 **19-2-211. Local juvenile services planning committee -**
24 **creation - duties.** If all of the boards of commissioners of each county or
25 the city council of each city and county in a judicial district agree, there
26 may be created in the judicial district a local juvenile services planning
27 committee that is appointed by the chief judge of the judicial district or,

1 for the second judicial district, the presiding judge of the Denver juvenile
2 court from persons recommended by the boards of commissioners of each
3 county or the city council of each city and county within the judicial
4 district. The committee, if practicable, must include, but need not be
5 limited to, a representative from the county department of HUMAN OR
6 social services, a local school district, a local law enforcement agency, a
7 local probation department, the division of youth services, private
8 citizens, the district attorney's office, and the public defender's office and
9 a community mental health representative and a representative of the
10 concerns of municipalities. The committee, if created, shall meet as
11 necessary to develop a plan for the allocation of resources for local
12 juvenile services within the judicial district for the fiscal year. The
13 committee is strongly encouraged to consider programs with restorative
14 justice components when developing the plan. The plan must be approved
15 by the STATE department of human services. A local juvenile services
16 planning committee may be consolidated with other local advisory boards
17 pursuant to section 24-1.7-103.

18 **SECTION 42.** In Colorado Revised Statutes, 19-2-411.5, **amend**
19 (1) as follows:

20 **19-2-411.5. Juvenile facility - contract for operation.** (1) The
21 STATE department of human services is hereby authorized to contract with
22 a private contractor for the operation of a five-hundred-bed facility to
23 house juveniles who are in the custody of the STATE department of human
24 services and to house juveniles who are in the temporary custody of a
25 county department of HUMAN OR social services. The facility shall follow
26 an academic model, providing educational, vocational, and positive
27 developmental programming. The contractor shall work with the STATE

1 department of human services to develop and maintain high-quality
2 programming that is appropriate for and meets the needs of the juveniles
3 placed in the facility. The facility ~~shall~~ MUST be constructed in a
4 campus-style design and located on the parcel of real property formerly
5 known as the Lowry bombing range. The state ~~shall retain~~ RETAINS
6 ownership of the facility constructed and operated pursuant to this
7 section. Nothing in this section requires that the parcel of real property
8 formerly known as the Lowry bombing range be used exclusively for the
9 facility constructed pursuant to this section.

10 **SECTION 43.** In Colorado Revised Statutes, 19-2-418, **amend**
11 (3)(b) and (3)(c) introductory portion as follows:

12 **19-2-418. Juveniles - medical benefits application assistance**
13 **- county of residence - rules.** (3) (b) The executive director of the
14 department of health care policy and financing shall promulgate rules to
15 simplify the processing of applications for medical assistance pursuant to
16 subsection (1) of this section and to allow a juvenile determined to be
17 eligible for such medical assistance to access the medical assistance upon
18 release and thereafter. If a county department of HUMAN OR social
19 services determines that a juvenile is eligible for medical assistance, the
20 county shall enroll the juvenile in medical assistance or the children's
21 basic health plan effective upon release of the juvenile. At the time of the
22 juvenile's release, the commitment facility shall give the juvenile or the
23 juvenile's parent or legal guardian information and paperwork necessary
24 for the juvenile to access medical assistance. ~~The information~~ THE
25 APPLICABLE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES shall
26 ~~be provided to~~ PROVIDE the commitment facility ~~by the applicable county~~
27 ~~department of social services~~ WITH THE NECESSARY INFORMATION.

1 (c) Each juvenile commitment facility administrator shall attempt
2 to enter into prerelease agreements, if appropriate, with the county
3 department of HUMAN OR social services, the STATE department of human
4 services, or the department of health care policy and financing in order to:

5 **SECTION 44.** In Colorado Revised Statutes, 19-2-508, **amend**
6 (1) as follows:

7 **19-2-508. Detention and shelter - hearing - time limits -**
8 **findings - review - confinement with adult offenders - restrictions.**

9 (1) A juvenile who must be taken from his or her home but who does not
10 require physical restriction ~~shall~~ MUST be given temporary care in a
11 shelter facility designated by the court or the county department of
12 HUMAN OR social services and ~~shall~~ MUST not be placed in detention.

13 **SECTION 45.** In Colorado Revised Statutes, 19-2-511, **amend**
14 (5) as follows:

15 **19-2-511. Statements.** (5) Notwithstanding the provisions of
16 subsection (1) of this section, the juvenile and his or her parent, guardian,
17 or legal or physical custodian may expressly waive the requirement that
18 the parent, guardian, or legal or physical custodian be present during THE
19 JUVENILE'S interrogation. ~~of the juvenile.~~ This express waiver ~~shall~~ MUST
20 be in writing and ~~shall~~ MUST be obtained only after full advisement of the
21 juvenile and his or her parent, guardian, or legal or physical custodian of
22 the juvenile's rights prior to the taking of the custodial statement by a law
23 enforcement official. If said requirement is expressly waived, statements
24 or admissions of the juvenile ~~shall not be~~ ARE NOT inadmissible in
25 evidence by reason of the absence of the juvenile's parent, guardian, or
26 legal or physical custodian during interrogation. Notwithstanding the
27 provisions of this subsection (5), a county ~~social services~~ department OF

1 HUMAN OR SOCIAL SERVICES and the STATE department of human
2 services, as legal or physical custodian, may not waive said requirement.

3 **SECTION 46.** In Colorado Revised Statutes, 19-2-706, **amend**
4 (2)(a) introductory portion and (2)(b)(I) introductory portion as follows:

5 **19-2-706. Advisement - right to counsel - waiver of right to**
6 **counsel.** (2) (a) If the juvenile and his or her parents, guardian, or other
7 legal custodian are found to be indigent pursuant to section 21-1-103 (3),
8 ~~C.R.S.~~, or the juvenile's parents, guardian, or other legal custodian refuses
9 to retain counsel for the juvenile, or the court, on its own motion,
10 determines that counsel is necessary to protect the interests of the juvenile
11 or other parties, or the juvenile is in the custody of the state department
12 of human services or a county department of HUMAN OR social services,
13 the court shall appoint the office of state public defender or, in the case
14 of a conflict, the office of alternate defense counsel for the juvenile;
15 except that the court shall not appoint the office of the state public
16 defender or the office of alternate defense counsel if:

17 (b) (I) If the court appoints counsel for the juvenile because of the
18 refusal of the parents, guardian, or other legal custodian to retain counsel
19 for the juvenile, the parents, guardian, or legal custodian, other than a
20 county department of HUMAN OR social services or the STATE department
21 of human services, shall be advised by the court that if the juvenile's
22 parent, guardian, or legal custodian is determined not to be indigent
23 pursuant to section 21-1-103 (3), ~~C.R.S.~~, then the court will order the
24 juvenile's parent, guardian, or legal custodian, other than a county
25 department of human OR SOCIAL services or the state department of
26 human services, to reimburse the court for the cost of the representation
27 unless the court, for good cause, waives the reimbursement requirement.

1 The amount of the reimbursement will be a predetermined amount that:

2 **SECTION 47.** In Colorado Revised Statutes, 19-2-906.5, **amend**
3 (1) introductory portion and (3)(a) introductory portion as follows:

4 **19-2-906.5. Orders - community placement - reasonable**
5 **efforts required - reviews.** (1) If the court orders legal custody of a
6 juvenile to a county department of HUMAN OR social services pursuant to
7 the provisions of this ~~article, said order shall~~ ARTICLE 2, THE ORDER MUST
8 contain specific findings as follows:

9 (3) (a) If the juvenile is in the legal custody of a county
10 department of HUMAN OR social services and is placed in a community
11 placement for a period of twelve months or longer, the district court,
12 another court of competent jurisdiction, or an administrative body
13 appointed or approved by the court that is not under the supervision of the
14 department shall conduct a permanency hearing within said twelve
15 months and every twelve months thereafter for as long as the juvenile
16 remains in community placement. At the permanency hearing, the entity
17 conducting the hearing shall make the following determinations:

18 **SECTION 48.** In Colorado Revised Statutes, 19-2-907, **amend**
19 (1)(g) and (5) as follows:

20 **19-2-907. Sentencing schedule - options.** (1) Upon completion
21 of the sentencing hearing pursuant to section 19-2-906, the court shall
22 enter a decree of sentence or commitment imposing any of the following
23 sentences or combination of sentences, as appropriate:

24 (g) Placement of legal custody of the juvenile in the county
25 department of HUMAN OR social services or a child placement agency, as
26 provided in section 19-2-915;

27 (5) (a) Except as otherwise provided in section 19-2-601 for an

1 aggravated juvenile offender, if the court finds that placement out of the
2 home is necessary and is in the best interests of the juvenile and the
3 community, the court shall place the juvenile, following the criteria
4 established pursuant to section 19-2-212, in the facility or setting that
5 most appropriately meets the needs of the juvenile, the juvenile's family,
6 and the community. In making its decision as to proper placement, the
7 court shall utilize the evaluation for placement prepared pursuant to
8 section 19-1-107 or the evaluation for placement required by section
9 19-1-115 (8)(e). Any placement recommendation in the evaluation
10 prepared by the county department of HUMAN OR social services ~~shall~~
11 MUST be accorded great weight as the placement that most appropriately
12 meets the needs of the juvenile, the juvenile's family, and the community.
13 ~~Such~~ A recommendation prepared by the county department of HUMAN OR
14 social services ~~shall~~ MUST set forth specific facts and reasons for the
15 placement recommendation. If the evaluation for placement recommends
16 placement in a facility located in Colorado that can provide appropriate
17 treatment and that will accept the juvenile, then the court shall not place
18 the juvenile in a facility outside this state. If the court places the juvenile
19 in a facility located in Colorado other than one recommended by the
20 evaluation for placement, in a facility located outside this state in
21 accordance with the evaluation for placement, or in a facility in which the
22 average monthly cost exceeds the amount established by the general
23 assembly in the general appropriation bill, it shall make specific findings
24 of fact, including the monthly cost of the facility in which such juvenile
25 is placed, relating to its placement decision. A copy of such findings ~~shall~~
26 MUST be sent to the chief justice of the supreme court, who shall,
27 notwithstanding section 24-1-136 (11)(a)(I), report monthly to the joint

1 budget committee and annually to the house and senate committees on
2 health and human services, or any successor committees, on such
3 placements. If the court commits the juvenile to the STATE department of
4 human services, it shall not make a specific placement, nor ~~shall~~ ARE the
5 provisions of this subsection (5) relating to specific findings of fact ~~be~~
6 applicable.

7 (b) If the court sentences a juvenile to an out-of-home placement
8 funded by the STATE department of human services or any county, or
9 commits a juvenile to the STATE department of human services, and the
10 receiving agency determines that such placement or commitment does not
11 follow the criteria established pursuant to section 19-2-212, including the
12 placement recommended by the receiving agency, the receiving agency
13 may, after assessing such juvenile's needs, file a petition with the court for
14 reconsideration of the placement or commitment. Any such petition ~~shall~~
15 MUST be filed not later than thirty days after the placement or
16 commitment. The court shall hear such petition and enter an order thereon
17 not later than thirty days after the filing of the petition, and after notice to
18 all agencies or departments that might be affected by the resolution of the
19 petition, and after all such agencies or departments have had an
20 opportunity to participate in the hearing on the petition. Failure of any
21 such agency or department to appear may be a basis for refusal to accept
22 a subsequent petition by any such agency or department that had an
23 opportunity to appear and be present at the original petition hearing. The
24 notification to the parties required pursuant to this ~~paragraph (b) shall~~
25 SUBSECTION (5)(b) MUST be made by the petitioning party, and proof of
26 such service ~~shall~~ MUST be filed with the court. If the court sentences a
27 juvenile to an out-of-home placement funded by the county department

1 of HUMAN OR social services, temporary legal custody of such juvenile
2 ~~shall~~ MUST be placed with the county department of HUMAN OR social
3 services, and the placement recommended by such county department
4 ~~shall~~ MUST be accorded great weight as the placement that most
5 appropriately meets the needs of the juvenile, the juvenile's family, and
6 the community. Any deviation from such recommendation ~~shall~~ MUST be
7 supported by specific findings on the record of the case detailing the
8 specific extraordinary circumstances that constitute the reasons for
9 deviations from the placement recommendation of the county department
10 of HUMAN OR social services.

11 **SECTION 49.** In Colorado Revised Statutes, **amend** 19-2-915 as
12 follows:

13 **19-2-915. Sentencing - legal custody - social services.** Except as
14 otherwise provided in section 19-2-601 for an aggravated juvenile
15 offender, the court, following the criteria for out-of-home placement
16 established pursuant to section 19-2-212, may place legal custody of the
17 juvenile in the county department of HUMAN OR social services.

18 **SECTION 50.** In Colorado Revised Statutes, 19-2-921, **amend**
19 (1.5)(b) and (10) as follows:

20 **19-2-921. Commitment to state department of human services.**
21 (1.5) (b) If a juvenile is making a transition from the legal custody of a
22 county department of HUMAN OR social services to commitment with the
23 state department of human services, the court shall conduct a permanency
24 hearing in combination with the sentencing hearing. The court shall
25 consider multidisciplinary recommendations for sentencing and
26 permanency planning. In conducting such a permanency hearing, the
27 court shall make determinations pursuant to section 19-2-906.5 (3)(a).

1 (10) When custody of a juvenile who will be under the age of
2 eighteen years at the time of expiration of commitment cannot be
3 determined or none of the resources described in subsection (9) of this
4 section exist, the division of youth services shall make a referral to the
5 last-known county of residence of the responsible person having custody
6 of the juvenile immediately prior to the commitment. The referral to the
7 county must be made by the division of youth services at least ninety days
8 prior to the expiration of the juvenile's commitment. The county
9 department of ~~human services or county department of~~ HUMAN OR social
10 services shall conduct an assessment of the child protection needs of the
11 juvenile and, pursuant to rules adopted by the state board, provide
12 services in the best interest of the juvenile. The division of youth services
13 shall work in collaboration with the county department OF HUMAN OR
14 SOCIAL SERVICES conducting the assessment and shall provide parole
15 supervision services as described in section 19-2-1003.

16 **SECTION 51.** In Colorado Revised Statutes, 19-2-925, **amend**
17 (1)(a) as follows:

18 **19-2-925. Probation - terms - release - revocation.** (1) (a) The
19 terms and conditions of probation ~~shall~~ MUST be specified by rules or
20 orders of the court. The court, as a condition of probation for a juvenile
21 who is ten years of age or older but less than eighteen years of age on the
22 date of the sentencing hearing, may impose a commitment or detention.
23 The aggregate length of any such commitment or detention, whether
24 continuous or at designated intervals, ~~shall~~ MUST not exceed forty-five
25 days; except that such limit ~~shall~~ MUST not apply to any placement out of
26 the home through a county department of HUMAN OR social services. Each
27 juvenile placed on probation ~~shall~~ MUST be given a written statement of

1 the terms and conditions of his or her probation and ~~shall have such~~ THE
2 terms and conditions fully explained to him or her.

3 **SECTION 52.** In Colorado Revised Statutes, 19-3-304.5, **amend**
4 (5) and (7) as follows:

5 **19-3-304.5. Emergency possession of certain abandoned**
6 **children.** (5) Each county department of HUMAN OR social services shall
7 maintain and update on a monthly basis a report of the number of children
8 who have been abandoned pursuant to this section. Each county
9 department of HUMAN OR social services shall submit such information to
10 the state department of human services.

11 (7) The general assembly hereby finds, determines, and declares
12 that a county department of HUMAN OR social services shall place an
13 abandoned child with a potential adoptive parent as soon as possible. The
14 general assembly further declares that, as soon as lawfully possible, a
15 county department of HUMAN OR social services shall proceed with a
16 motion to terminate the parental rights of a parent who abandons a child.

17 **SECTION 53.** In Colorado Revised Statutes, 19-3-308, **amend**
18 (4)(c), (5.3)(a), (5.3)(b), and (5.5) as follows:

19 **19-3-308. Action upon report of intrafamilial, institutional, or**
20 **third-party abuse - investigations - child protection team - rules -**
21 **report.** (4) (c) Upon the receipt of a report, if the county department
22 assessment concludes that a child has been a victim of intrafamilial,
23 institutional, or third-party abuse or neglect in which he or she has been
24 subjected to human trafficking of a minor for sexual servitude, as
25 described in section 18-3-504, ~~C.R.S.~~, or commercial sexual exploitation
26 of a child, it shall, when necessary and appropriate, immediately offer
27 social services to the child who is the subject of the report and to his or

1 her family, and it may file a petition in the juvenile court or the district
2 court with juvenile jurisdiction on behalf of such child. If, at any time
3 after the commencement of an investigation, the county department has
4 reasonable cause to suspect that the child or any other child under the
5 same care is a victim of human trafficking, the county department shall
6 notify the local law enforcement agency as soon as it is reasonably
7 practicable to do so. If immediate removal is necessary to protect the
8 child or other children under the same care from further abuse, the child
9 or children may be placed in protective custody in accordance with
10 sections 19-3-401 (1)(a) and 19-3-405. In instances of third-party abuse
11 or neglect as it relates to human trafficking, a county department of
12 HUMAN OR social services may, but is not required to, interview the
13 person alleged to be responsible for the abuse or neglect or prepare an
14 investigative report pursuant to ~~paragraph (a) of subsection (5.3)~~
15 SUBSECTION (5.3)(a) of this section. If a county department elects to
16 interview the third-party individual, it shall first confer with its local law
17 enforcement agency.

18 (5.3) (a) Local law enforcement agencies ~~shall~~ have the
19 responsibility for the coordination and investigation of all reports of
20 third-party abuse or neglect by persons ten years of age or older. Upon
21 receipt of a report, if the local law enforcement agency reasonably
22 believes that the protection and safety of a child is at risk due to an act or
23 omission on the part of persons responsible for the child's care, such
24 agency shall notify the county department of HUMAN OR social services
25 for an assessment regarding neglect or dependency. In addition, the local
26 law enforcement agency shall refer to the county department of HUMAN
27 OR social services any report of third-party abuse or neglect in which the

1 person allegedly responsible for such abuse or neglect is under age ten.
2 Upon the completion of an investigation, the local law enforcement
3 agency shall forward a copy of its investigative report to the county
4 department of HUMAN OR social services. The county department shall
5 review the law enforcement investigative report and shall determine
6 whether the report contains information that constitutes a case of
7 confirmed child abuse and requires it to be submitted to the state
8 department, which report, upon such determination, shall be submitted to
9 the state department in the manner prescribed by the state department
10 within sixty days after the receipt of the report by the county department.

11 (b) If, before an investigation is completed, the local law
12 enforcement agency determines that social services are necessary for the
13 child and, if applicable, the child's family or that assistance from the
14 county department of HUMAN OR social services is otherwise required, the
15 agency may request said services or assistance from the county
16 department. The county department shall immediately respond to a law
17 enforcement agency's request for services or assistance in a manner
18 deemed appropriate by the county department.

19 (5.5) Upon the receipt of a report, if the county department
20 reasonably believes that an incident of abuse or neglect has occurred, it
21 shall immediately notify the local law enforcement agency responsible for
22 investigation of violations of criminal child abuse laws. The local law
23 enforcement agency may conduct an investigation to determine if a
24 violation of any criminal child abuse law has occurred. It is the general
25 assembly's intent that, in each county of the state, law enforcement
26 agencies and the respective county departments of HUMAN OR social
27 services shall develop and implement cooperative agreements to

1 coordinate duties of both agencies in connection with the investigation of
2 all child abuse or neglect cases and that the focus of such agreements
3 ~~shall be~~ IS to ensure the best protection for the child. The ~~said~~ agreements
4 ~~shall~~ MUST provide for special requests by one agency for assistance from
5 the other agency and for joint investigations by both agencies.

6 **SECTION 54.** In Colorado Revised Statutes, 19-3-313.5, **amend**
7 (3) introductory portion, (3)(a), (3)(c), and (3)(f) as follows:

8 **19-3-313.5. State department duties - reports of child abuse or**
9 **neglect - training of county departments - rules - notice and appeal**
10 **process - confidentiality. (3) Notice and appeals process - rules.** On
11 or before January 1, 2004, the state board, in consideration of input and
12 recommendations from the county departments, shall promulgate rules to
13 establish a process at the state level by which a person who is found to be
14 responsible in a confirmed report of child abuse or neglect filed with the
15 state department pursuant to section 19-3-307 may appeal the finding of
16 a confirmed report of child abuse or neglect to the state department. At a
17 minimum, the rules established pursuant to this subsection (3) ~~shall~~ MUST
18 address the following matters, consistent with federal law:

19 (a) The provision of adequate and timely written notice by the
20 county departments of HUMAN OR social services or, for an investigation
21 pursuant to section 19-3-308 (4.5), by the agency that contracts with the
22 state, using a form created by the state department, to a person found to
23 be responsible in a confirmed report of child abuse or neglect of the
24 person's right to appeal the finding of a confirmed report of child abuse
25 or neglect to the state department;

26 (c) Designation of the entity, which entity ~~shall~~ MUST be one other
27 than a county department of HUMAN OR social services, with the authority

1 to accept and respond to an appeal by a person found to be responsible in
2 a confirmed report of child abuse or neglect at each stage of the appellate
3 process;

4 (f) Provisions requiring, and procedures in place that facilitate, the
5 prompt expungement of and prevent the release of any information
6 contained in any records and reports that are accessible to the general
7 public or are used for purposes of employment or background checks in
8 cases determined to be unsubstantiated or false; except that, the state
9 department and the county departments of HUMAN OR social services may
10 maintain information concerning unsubstantiated reports in casework files
11 to assist in future risk and safety assessments.

12 **SECTION 55.** In Colorado Revised Statutes, 19-3-401, **amend**
13 (3)(b) as follows:

14 **19-3-401. Taking children into custody.** (3) (b) A newborn
15 child, as defined in section 19-1-103 (78.5), who is in a hospital setting
16 ~~shall~~ MUST not be taken into temporary protective custody without an
17 order of the court made pursuant to section 19-3-405 (1), which order
18 includes findings that an emergency situation exists and that the newborn
19 child is seriously endangered as described in ~~paragraph (a) of subsection~~
20 ~~(1)~~ SUBSECTION (1)(a) of this section. A newborn child may be detained
21 in a hospital by a law enforcement officer upon the recommendation of
22 a county department of HUMAN OR social services or by a physician,
23 registered nurse, licensed practical nurse, or physician assistant while an
24 order of the court pursuant to section 19-3-405 (1) is being pursued, but
25 the newborn child must be released if a court order pursuant to section
26 19-3-405 (1) is denied.

27 **SECTION 56.** In Colorado Revised Statutes, 19-3-403, **amend**

1 (1), (3.5), and (3.6)(a)(V) as follows:

2 **19-3-403. Temporary custody - hearing - time limits -**
3 **restriction - rules.** (1) A child who must be taken from his OR HER home
4 but who does not require physical restriction may be given temporary care
5 with ~~the~~ HIS OR HER grandparent, ~~of the child,~~ upon the grandparent's
6 request, if in the best interests of the child, in a shelter facility designated
7 by the court or with the county department of HUMAN OR social services
8 and ~~shall~~ MUST not be placed in detention. If ~~no~~ AN appropriate shelter
9 facility ~~exists~~ DOES NOT EXIST, the child may be placed in a staff-secure
10 temporary holding facility authorized by the court.

11 (3.5) When temporary custody is placed with the county
12 department of HUMAN OR social services pursuant to this section or
13 section 19-3-405 or when an emergency protection order is entered
14 pursuant to section 19-3-405, the court shall hold a hearing within
15 seventy-two hours after placement, excluding Saturdays, Sundays, and
16 court holidays, to determine further custody of the child or whether the
17 emergency protection order should continue. Such a hearing need not be
18 held if a hearing has previously been held pursuant to subsection (2) of
19 this section.

20 (3.6) (a) (V) The court may consider and give preference to giving
21 temporary custody to a child's relative who is appropriate, capable,
22 willing, and available for care if it is in the best interests of the child and
23 if the court finds that there is no suitable birth or adoptive parent
24 available, with due diligence having been exercised in attempting to
25 locate any such birth or adoptive parent. The court may place or continue
26 custody with the county department of HUMAN OR social services if the
27 court is satisfied from the information presented at the hearing that such

1 custody is appropriate and in the child's best interests, or the court may
2 enter such other orders as are appropriate. The court may authorize the
3 county department of HUMAN OR social services with custody of a child
4 to place the child with a relative without the necessity for a hearing if a
5 county department locates an appropriate, capable, and willing relative
6 who is available to care for the child and the guardian ad litem of the
7 child concurs that the placement is in the best interests of the child. If the
8 county department of HUMAN OR social services places a child with a
9 relative without a hearing pursuant to the provisions of this ~~subparagraph~~
10 ~~(V)~~ SUBSECTION (3.6)(a)(V), the county department shall fully inform the
11 court of the details concerning the child's placement on the record at the
12 next hearing. If the court enters an order removing a child from the home
13 or continuing a child in a placement out of the home, the court shall make
14 the findings required pursuant to section 19-1-115 (6), if such findings are
15 warranted by the evidence.

16 **SECTION 57.** In Colorado Revised Statutes, **amend** 19-3-404 as
17 follows:

18 **19-3-404. Temporary shelter - child's home.** The court may find
19 that it is not necessary to remove a child from his OR HER home to a
20 temporary shelter facility and may provide temporary shelter in the child's
21 home by authorizing a representative of the county or district department
22 of HUMAN OR social services, which has emergency caretaker services
23 available, to remain in the child's home with the child until a parent, legal
24 guardian, or relative of the child enters the home and expresses
25 willingness and has the apparent ability, as determined by the STATE
26 department, to resume charge of the child. ~~but~~ In no event ~~shall~~ **MUST**
27 such period of time exceed seventy-two hours. In the case of a relative,

1 the relative is to assume charge of the child until a parent or legal
2 guardian enters the home and expresses willingness and has the apparent
3 ability, as determined by the STATE department, to resume charge of the
4 child. The director of the county or district department of HUMAN OR
5 social services shall designate in writing the representatives of the county
6 or district departments OF HUMAN OR SOCIAL SERVICES authorized to
7 perform such duties.

8 **SECTION 58.** In Colorado Revised Statutes, 19-3-405, **amend**
9 (2)(a), (2)(b) introductory portion, and (3) as follows:

10 **19-3-405. Temporary protective custody.** (2) (a) Temporary
11 protective custody orders may be requested by the county department of
12 HUMAN OR social services, a law enforcement officer, an administrator of
13 a hospital in which a child reasonably believed to have been neglected or
14 abused is being treated, or any physician who has before him or her a
15 child he or she reasonably believes has been abused or neglected, whether
16 or not additional medical treatment is required, if such person or
17 department believes that the circumstances or conditions of the child are
18 such that continuing the child's place of residence or in the care and
19 custody of the person responsible for the child's care and custody would
20 present a danger to that child's life or health in the reasonably foreseeable
21 future.

22 (b) Emergency protection orders may be requested by the county
23 department of HUMAN OR social services, a law enforcement officer, an
24 administrator of a hospital in which a child reasonably believed to have
25 been neglected or abused is being treated, or any physician who has
26 before him or her a child the physician reasonably believes has been
27 abused or neglected, whether or not additional medical treatment is

1 required, if such person or department believes that the child is able to
2 remain safely in the child's place of residence or in the care and custody
3 of the person responsible for the child's care and custody only if certain
4 emergency protection orders are entered. An emergency protection order
5 may include but is not limited to:

6 (3) The county department of HUMAN OR social services ~~shall~~
7 MUST be notified of such action immediately by the court-appointed
8 official in order that child protection proceedings may be initiated.

9 **SECTION 59.** In Colorado Revised Statutes, 19-3-501, **amend**
10 (1) introductory portion as follows:

11 **19-3-501. Petition initiation - preliminary investigation -**
12 **informal adjustment.** (1) Whenever it appears to a law enforcement
13 officer or other person that a child is or appears to be within the court's
14 jurisdiction, as provided in this ~~article~~ ARTICLE 3, the law enforcement
15 officer or other person may refer the matter to the court, which shall ~~have~~
16 MAKE a preliminary investigation ~~made~~ to determine whether the interests
17 of the child or of the community require that further action be taken.
18 ~~which investigation shall be made by~~ The probation department, county
19 department of HUMAN OR social services, or any other agency designated
20 by the court SHALL MAKE THE INVESTIGATION. On the basis of the
21 preliminary investigation, the court may:

22 **SECTION 60.** In Colorado Revised Statutes, 19-3-502, **amend**
23 (2.7)(a)(I) as follows:

24 **19-3-502. Petition form and content - limitations on claims in**
25 **dependency or neglect actions.** (2.7) (a) Pursuant to the provisions of
26 section 19-1-126, the petition ~~shall~~ MUST:

27 (I) Include a statement indicating what continuing inquiries the

1 county department of HUMAN OR social services has made in determining
2 whether the child who is the subject of the proceeding is an Indian child;

3 **SECTION 61.** In Colorado Revised Statutes, 19-3-507, **amend**
4 (5)(b) as follows:

5 **19-3-507. Dispositional hearing.** (5) (b) A county department of
6 HUMAN OR social services that placed a child in foster care shall provide
7 the foster parent of the child and any pre-adoptive parent or relative
8 providing care for the child with notice of any administrative review of
9 the child's case.

10 **SECTION 62.** In Colorado Revised Statutes, 19-3-508, **amend**
11 (1)(c) and (3)(b)(I) as follows:

12 **19-3-508. Neglected or dependent child - disposition -**
13 **concurrent planning.** (1) When a child has been adjudicated to be
14 neglected or dependent, the court may enter a decree of disposition the
15 same day, but in any event it shall do so within forty-five days unless the
16 court finds that the best interests of the child will be served by granting
17 a delay. In a county designated pursuant to section 19-1-123, if the child
18 is under six years of age at the time a petition is filed in accordance with
19 section 19-3-501 (2), the court shall enter a decree of disposition within
20 thirty days after the adjudication and shall not grant a delay unless good
21 cause is shown and unless the court finds that the best interests of the
22 child will be served by granting the delay. It is the intent of the general
23 assembly that the dispositional hearing be held on the same day as the
24 adjudicatory hearing, whenever possible. If a delay is granted, the court
25 shall set forth the reasons why a delay is necessary and the minimum
26 amount of time needed to resolve the reasons for the delay and shall
27 schedule the hearing at the earliest possible time following the delay.

1 When the proposed disposition is termination of the parent-child legal
2 relationship, the hearing on termination must not be held on the same date
3 as the adjudication, and the time limits set forth above for dispositional
4 hearings do not apply. When the proposed disposition is termination of
5 the parent-child legal relationship, the court may continue the
6 dispositional hearing to the earliest available date for a hearing in
7 accordance with the provisions of subsection (3)(a) of this section and
8 part 6 of this article 3. When the decree does not terminate the
9 parent-child legal relationship, the court shall approve an appropriate
10 treatment plan that must include but not be limited to one or more of the
11 following provisions of subsections (1)(a) to (1)(d) of this section:

12 (c) The court may place legal custody in the county department of
13 HUMAN OR social services or a child placement agency for placement in
14 a foster care home or other child care facility. When the child is part of
15 a sibling group and the sibling group is being placed out of the home, if
16 the county department locates an appropriate, capable, willing, and
17 available joint placement for all of the children in the sibling group, it
18 ~~shall be~~ IS presumed that placement of the entire sibling group in the joint
19 placement is in the best interests of the children. Such presumption may
20 be rebutted by a preponderance of the evidence that placement of the
21 entire sibling group in the joint placement is not in the best interests of a
22 child or of the children.

23 (3) (b) Upon the entry of a decree terminating the parent-child
24 legal relationship of both parents, of the sole surviving parent, or of the
25 only known parent, the court may:

26 (I) Vest the county department of HUMAN OR social services or a
27 child placement agency with the legal custody and guardianship of the

1 person of a child for the purposes of placing the child for adoption; or

2 **SECTION 63.** In Colorado Revised Statutes, 19-3-702, **amend**
3 (2), (2.5) introductory portion, and (5)(a) introductory portion as follows:

4 **19-3-702. Permanency hearing - periodic review.** (2) When the
5 court schedules a permanency hearing ~~under~~ PURSUANT TO this section,
6 the court shall promptly issue a notice reciting briefly the substance of the
7 motion. The notice ~~shall~~ MUST set forth the constitutional and legal rights
8 of the child and the child's parents or guardian. Notice of the hearing ~~shall~~
9 MUST be given in accordance with the requirements stated in section
10 19-3-502 (7). Nothing in this section ~~shall require~~ REQUIRES the presence
11 of any person before the court unless the court so directs. The court shall
12 order the county department of HUMAN OR social services to develop a
13 permanency plan for the child ~~which plan shall~~ TO be completed and
14 submitted to the court at least three working days in advance of the
15 permanency hearing as required in this section.

16 (2.5) At a permanency hearing held in a county designated
17 pursuant to section 19-1-123, if the child is under six years of age at the
18 time a petition is filed in accordance with section 19-3-501 (2) and has
19 been placed out of the home for three months, the court shall review the
20 progress of the case and the treatment plan including the provision of
21 services. The court may order the county department of HUMAN OR social
22 services to show cause why it should not file a motion to terminate the
23 parent-child legal relationship pursuant to part 6 of this ~~article~~ ARTICLE 3.
24 Cause may include, but not be limited to, the following conditions:

25 (5) In order to enable the child to obtain a permanent home, the
26 court may make the following determinations and orders:

27 (a) If the court finds from the materials submitted by the county

1 department of HUMAN OR social services that the child appears to be
2 adoptable and meets the criteria for adoption in section 19-5-203, the
3 court may order the county department of HUMAN OR social services to
4 show cause why it should not file a motion to terminate the parent-child
5 legal relationship pursuant to part 6 of this ~~article~~ ARTICLE 3. Cause may
6 include, but need not be limited to, any of the following conditions:

7 **SECTION 64.** In Colorado Revised Statutes, 19-4-107, **amend**
8 (1) introductory portion, (2), and (3) as follows:

9 **19-4-107. Determination of father and child relationship - who**
10 **may bring action - when action may be brought.** (1) A child, his OR
11 HER natural mother, or a man presumed to be his OR HER father ~~under~~
12 PURSUANT TO section 19-4-105 (1)(a), (1)(b), or (1)(c) or the state, the
13 state department of human services, or a county department of HUMAN OR
14 social services, pursuant to article 13 or 13.5 of title 26 ~~C.R.S.~~, or article
15 5 of title 14 ~~C.R.S.~~, may bring an action:

16 (2) Any interested party, including the state, the state department
17 of human services, or a county department of HUMAN OR social services,
18 pursuant to article 13 or 13.5 of title 26 ~~C.R.S.~~, or article 5 of title 14
19 ~~C.R.S.~~, may bring an action at any time for the purpose of determining the
20 existence or nonexistence of the father and child relationship presumed
21 ~~under~~ PURSUANT TO section 19-4-105 (1)(d), (1)(e), or (1)(f).

22 (3) An action to determine the existence of the father and child
23 relationship with respect to a child who has no presumed father ~~under~~
24 PURSUANT TO section 19-4-105 may be brought by the state, the state
25 department of human services, a county department of HUMAN OR social
26 services, the child, the mother or personal representative of the child, the
27 personal representative or a parent of the mother if the mother has died,

1 a man alleged or alleging himself to be the father, or the personal
2 representative or a parent of the alleged father if the alleged father has
3 died or is a minor.

4 **SECTION 65.** In Colorado Revised Statutes, 19-5-103, **amend**
5 (1)(a), (2.5), and (4)(b) as follows:

6 **19-5-103. Relinquishment procedure - petition - hearings.**

7 (1) Any parent desiring to relinquish his or her child shall:

8 (a) Obtain counseling for himself or herself and the child to be
9 relinquished as the court deems appropriate from the county department
10 of HUMAN OR social services in the county where ~~such~~ THE parent resides
11 or from a licensed child placement agency, and, if the petitioner has not
12 received the counseling required by the court, the petition ~~shall~~ MUST be
13 continued until counseling is obtained, and THE COURT SHALL REFER the
14 petitioner ~~shall be referred~~ to counseling; ~~by the court;~~

15 (2.5) In those cases in which a parent proposes to relinquish his
16 or her parent-child legal relationship with respect to a child who is under
17 one year of age pursuant to the expedited procedures set forth in section
18 19-5-103.5, the licensed child placement agency or the county department
19 of HUMAN OR social services assisting the relinquishing parent shall
20 proceed with filing the petition and providing notice as set forth in section
21 19-5-103.5.

22 (4) (b) The relinquishing parent, child placement agency, and
23 county department of HUMAN OR social services shall provide the court
24 any and all information described in section 19-1-103 (80) that is
25 available to ~~such~~ THE relinquishing parent, agency, or county department.

26 **SECTION 66.** In Colorado Revised Statutes, 19-5-103.5, **amend**
27 (1)(a)(II), (1)(b)(I), (1)(b)(III), (2)(a), (2)(c), and (3) as follows:

1 **19-5-103.5. Expedited relinquishment procedure - children**
2 **under one year of age - other birth parents - notice - termination.**

3 (1) (a) Notwithstanding the provisions of section 19-5-103 to the
4 contrary, a parent desiring to relinquish his or her child may seek an
5 expedited order terminating his or her parent-child legal relationship
6 without the necessity of a court hearing if:

7 (II) The relinquishing parent is being assisted by a licensed child
8 placement agency or the county department of HUMAN OR social services
9 in the county where such parent resides;

10 (b) (I) The affidavit required to be signed by the parent seeking to
11 relinquish his or her parental rights pursuant to this section ~~shall~~ MUST
12 advise the relinquishing parent of the consequences of the relinquishment
13 decision and ~~shall~~ MUST further advise the relinquishing parent that he or
14 she is still required to obtain the relinquishment counseling described in
15 section 19-5-103 (1)(a) and (2). The relinquishing parent ~~shall~~ MUST be
16 advised of the opportunity to seek independent counseling. The affidavit
17 ~~shall~~ MUST also advise the relinquishing parent that he or she may
18 withdraw the affidavit anytime after signing it but before the affidavit and
19 petition are filed with the court. The relinquishing parent may sign the
20 affidavit before the birth of the child. The relinquishing birth parent may
21 withdraw the affidavit from the child placement agency or county
22 department of HUMAN OR social services in the county where ~~such~~ THE
23 parent resides any time after signing it but before the affidavit and
24 petition are filed with the court.

25 (III) The relinquishing parent's signature on the affidavit ~~shall~~
26 MUST be witnessed by two witnesses, one of whom ~~shall be~~ IS either a
27 representative of the licensed child placement agency with which the

1 relinquishing parent has contracted or a representative of the county
2 department of HUMAN OR social services in the county where ~~such~~ THE
3 parent resides, whichever is assisting the parent. The other witness ~~shall~~
4 MUST not be associated with either the licensed child placement agency
5 or the county department of HUMAN OR social services in the county
6 where ~~such~~ THE parent resides, whichever is assisting the parent, and ~~shall~~
7 MUST not be the potential adoptive parent of the child to be relinquished.

8 (2) (a) Notwithstanding the provisions of section 19-5-105 to the
9 contrary, in those cases in which a parent seeks to relinquish his or her
10 parent-child legal relationship with a child pursuant to this section, the
11 licensed child placement agency or the county department of HUMAN OR
12 social services assisting the relinquishing parent shall proceed with filing
13 the petition for termination of the other birth parent's or possible birth
14 parents' parent-child legal relationship and notify pursuant to this section
15 the other birth parent or possible birth parents identified pursuant to
16 section 19-5-105 (2).

17 (c) The other birth parent or possible birth parents may sign the
18 affidavit of voluntary relinquishment described in subsection (1) of this
19 section. Such birth parent may sign the affidavit prior to the birth of the
20 child. If the other birth parent or possible birth parent signs an affidavit
21 of voluntary relinquishment, he or she may withdraw the affidavit from
22 the child placement agency or the county department of HUMAN OR social
23 services assisting the relinquishing parent any time after signing it but
24 before the affidavit and petition are filed with the court.

25 (3) The licensed child placement agency or the county department
26 of HUMAN OR social services assisting the relinquishing parent shall not
27 submit the documents referenced in subsections (1) and (2) of this section

1 for judicial review unless a permanent placement for the child has been
2 identified.

3 **SECTION 67.** In Colorado Revised Statutes, 19-5-104, **amend**
4 (1)(a) as follows:

5 **19-5-104. Final order of relinquishment.** (1) If the court
6 terminates the parent-child legal relationship of both parents or of the
7 only living parent, the court, after taking into account the religious
8 background of the child, shall order guardianship of the person and legal
9 custody transferred to:

10 (a) The county department of HUMAN OR social services; or

11 **SECTION 68.** In Colorado Revised Statutes, 19-5-105, **amend**
12 (6) as follows:

13 **19-5-105. Proceeding to terminate parent-child legal**
14 **relationship.** (6) In those cases in which a parent proposes to relinquish
15 his or her parent-child legal relationship with a child who is under one
16 year of age, pursuant to the expedited procedures set forth in section
17 19-5-103.5, the licensed child placement agency or the county department
18 of HUMAN OR social services assisting the relinquishing parent shall
19 proceed with filing the petition for termination of the other birth parent's
20 or possible birth parents' parent-child legal relationship and notify the
21 other birth parent or possible birth parents as provided in section
22 19-5-103.5 (2).

23 **SECTION 69.** In Colorado Revised Statutes, 19-5-203, **amend**
24 (1)(d.5)(II) and (1)(h) introductory portion as follows:

25 **19-5-203. Availability for adoption.** (1) A child may be
26 available for adoption only upon:

27 (d.5) (II) In a petition for a second-parent adoption, the court shall

1 require a written home study report prepared by a county department of
2 HUMAN OR social services, designated qualified individual, or child
3 placement agency and approved by the department pursuant to section
4 19-5-207.5 (2). If the child of a sole legal parent was adopted by that
5 parent less than one hundred eighty-two days prior to the filing of an
6 adoption petition by a second prospective parent and if the second
7 prospective parent was included in the home study report that was
8 prepared pursuant to section 19-5-207 for the adoption of the child by the
9 first parent, then that home study report ~~shall be~~ IS a valid home study
10 report for the purpose of the second parent's adoption. If the filing of a
11 petition for adoption by the second prospective parent occurs one hundred
12 eighty-two days or more after the adoption by the first parent, a separate
13 home study report ~~shall be~~ IS required pursuant to section 19-5-207.

14 (h) Verification by the child placement agency, a county
15 department of HUMAN OR social services, or the attorney for the petitioner
16 in any adoption proceeding that any custody obtained outside the state of
17 Colorado was acquired by:

18 **SECTION 70.** In Colorado Revised Statutes, 19-5-205.5, **amend**
19 (4) as follows:

20 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**
21 **- legislative declaration - authority for state department to select**
22 **agencies.** (4) All interstate and foreign adoptions in Colorado made by
23 the court, the county departments of HUMAN OR social services, or
24 licensed child placement agencies ~~shall~~ MUST be MADE pursuant to
25 section 19-5-206 (1).

26 **SECTION 71.** In Colorado Revised Statutes, 19-5-206, **amend**
27 (1) as follows:

1 **19-5-206. Placement for purposes of adoption.** (1) ~~No~~ A
2 placement of any child legally available for adoption ~~under~~ PURSUANT TO
3 section 19-5-203 (1)(a), (1)(b), (1)(c), or (1)(g) ~~shall~~ MUST NOT be made
4 for the purposes of adoption except by the court pursuant to section
5 19-5-104 (2), the county department of HUMAN OR social services, or a
6 licensed child placement agency.

7 **SECTION 72.** In Colorado Revised Statutes, 19-5-207, **amend**
8 (1), (2) introductory portion, (2.5)(a)(I), (2.5)(a)(II), (2.5)(a)(IV)
9 introductory portion, (2.5)(c), and (8) as follows:

10 **19-5-207. Written consent and home study report for public**
11 **adoptions - fingerprint-based criminal history record checks -**
12 **investigation - rules.** (1) When a child is placed for adoption by the
13 county department of HUMAN OR social services, a licensed child
14 placement agency, or an individual, ~~such~~ THE department, agency, or
15 individual shall file, with the petition to adopt, its written and verified
16 consent to such adoption in addition to any notices received or sent
17 pursuant to the terms of the "Interstate Compact on Placement of
18 Children" set forth in part 18 of article 60 of title 24. ~~C.R.S.~~

19 (2) In all petitions for adoption, whether by the court, the county
20 department of HUMAN OR social services, or child placement agencies, in
21 addition to ~~such~~ written consent, the court shall require a written home
22 study report from the county department of HUMAN OR social services, the
23 designated qualified individual, or the child placement agency approved
24 by the state department of human services pursuant to section 19-5-207.5
25 (2) showing the following:

26 (2.5) (a) (I) In all petitions for adoption, whether by the court, the
27 county department of HUMAN OR social services, or child placement

1 agencies, in addition to the written home study report described in
2 subsection (2) of this section, the court shall require the county
3 department of HUMAN OR social services, the designated qualified
4 individual, or the child placement agency to conduct a THE
5 FINGERPRINT-BASED criminal history ~~records check~~ RECORD CHECKS for
6 any prospective adoptive parent or any adult residing in the home.

7 (II) For purposes of fulfilling the FINGERPRINT-BASED criminal
8 history ~~records check~~ RECORD CHECKS required in ~~subparagraph (I) of this~~
9 ~~paragraph (a)~~ SUBSECTION (2.5)(a)(I) OF THIS SECTION, the state board of
10 human services shall promulgate rules concerning petitions for adoption
11 when a child is placed for adoption by the county department of HUMAN
12 OR social services or a child placement agency to require each prospective
13 adoptive parent attempting to adopt a child placed for adoption by the
14 county department of HUMAN OR social services or a child placement
15 agency to obtain fingerprint-based criminal history record checks through
16 the Colorado bureau of investigation and the federal bureau of
17 investigation. The prospective adoptive parent to whom this ~~subparagraph~~
18 ~~(II)~~ SUBSECTION (2.5)(a)(II) applies shall be responsible for the cost of the
19 FINGERPRINT-BASED criminal history record checks.

20 (IV) A prospective adoptive parent described in ~~subparagraph (II)~~
21 ~~of this paragraph (a)~~ SUBSECTION (2.5)(a)(III) OF THIS SECTION shall be
22 responsible for presenting the results of his or her fingerprint-based
23 criminal history record checks and the results of the fingerprint-based
24 criminal history records checks of any adult residing in the home to the
25 court for review by the court. The county department of HUMAN OR social
26 services or the child placement agency, as may be appropriate, shall
27 report to the court any case in which a fingerprint-based criminal history

1 record ~~check reveals~~ CHECKS REVEAL that the prospective adoptive parent
2 who is attempting to adopt a child placed for adoption by a county
3 department of HUMAN OR social services or child placement agency or any
4 adult residing in the home was convicted at any time of a felony or
5 misdemeanor in one of the following areas:

6 (c) In addition to the fingerprint-based criminal history ~~records~~
7 ~~check~~ RECORD CHECKS, the county department of HUMAN OR social
8 services, the individual, or the child placement agency conducting the
9 investigation shall contact the state department of human services and the
10 appropriate entity in each state in which the prospective adoptive parent
11 or parents or any adult residing in the home has resided in the preceding
12 five years to determine whether the prospective adoptive parent or parents
13 or any adult residing in the home has been found to be responsible in a
14 confirmed report of child abuse or neglect and shall report such
15 information to the court. Information obtained from any state records or
16 reports of child abuse or neglect ~~shall~~ MUST not be used for any purpose
17 other than completing the investigation for approval of the prospective
18 adoptive parent.

19 (8) If a court orders a county department of HUMAN OR social
20 services to counsel a birth parent concerning relinquishment of a child
21 pursuant to the provisions of sections 19-5-103 and 19-5-104, the county
22 department shall charge a fee to meet the full cost of the counseling.

23 **SECTION 73.** In Colorado Revised Statutes, 19-5-207.5, **amend**
24 (1), (2), (3), (4)(a), (4)(b)(I), (5)(a), and (5)(c)(II) as follows:

25 **19-5-207.5. Legislative declaration - standardized home**
26 **studies - adoptive family resource registry - rules. (1) Legislative**
27 **declaration.** (a) (I) The general assembly ~~hereby~~ finds that there are a

1 growing number of children in the legal custody of the county
2 departments of HUMAN OR social services who are the victims of physical
3 or sexual abuse, neglect, or abandonment and who are awaiting
4 permanent placement in safe, loving, and nurturing adoptive homes. The
5 general assembly further finds that with the expedited permanency
6 procedures that have been established and with the enactment of
7 legislation implementing the federal "Adoption and Safe Families Act of
8 1997", ~~Public Law~~ PUB.L. 105-89, it is anticipated that the number of
9 children available for adoption will continue to increase dramatically and
10 that there will be a corresponding increased need to identify statewide
11 those families that are willing and qualified to adopt these needy children.

12 (II) The general assembly finds that, although the county
13 departments of HUMAN OR social services have made admirable efforts in
14 assessing and reporting on the qualifications of families interested in
15 adopting, there is a need to make the valuable resource of such qualified
16 families more available and accessible to all counties in the state in order
17 to satisfy the growing need for suitable adoptive families.

18 (b) Accordingly, the general assembly determines that it is
19 appropriate and desirable for the STATE department to aid the county
20 departments of HUMAN OR social services in their efforts to achieve
21 permanency for children in their legal custody who are available for
22 adoption by making accessible to such county departments a statewide
23 adoptive family resource registry of families who are qualified for and
24 desirous of adopting children with special needs. Toward that end, the
25 general assembly further determines that it would be beneficial to such
26 children and families for the STATE department to develop an approved
27 vendor list of qualified home study providers by region, standardized

1 investigation criteria, and minimum uniform adoptive home study report
2 standards in order to achieve more timely adoptive placements, to reduce
3 the burden associated with the adoption process, and to avert the
4 possibility of failed adoptions.

5 (2) **Approved vendor lists for home studies.** (a) In order to
6 achieve greater access to qualified families seeking to adopt children, to
7 expedite permanency placement for children available for adoption, and
8 to obtain reliable, high-quality assessments of families that can result in
9 permanent and healthy placements, the STATE department shall develop
10 an approved vendor list of county departments, individuals, and child
11 placement agencies qualified to prepare the home study reports in public
12 adoptions as required by section 19-5-207 (2).

13 (b) (I) On or before January 1, 2000, the STATE department shall
14 issue a public request for applications from county departments of HUMAN
15 OR social services, individuals, and child placement agencies desirous of
16 conducting investigations and preparing written home study reports for
17 prospective public adoptions in specified counties or geographic regions.
18 The STATE department shall review the applications it receives and shall
19 determine which applicants meet the qualifying criteria identified by the
20 state board of human services pursuant to ~~subparagraph (II) of this~~
21 ~~paragraph (b)~~ SUBSECTION (2)(b)(II) OF THIS SECTION. Each county
22 department of HUMAN OR social services, individual, or child placement
23 agency that meets the qualifying criteria ~~shall~~ MUST be placed on the
24 approved vendor list of home study report providers.

25 (II) The state board of human services shall promulgate rules
26 identifying the qualifying criteria that county departments of HUMAN OR
27 social services, individuals, and child placement agencies must meet in

1 order to qualify as an approved vendor pursuant to this ~~paragraph (b)~~
2 SUBSECTION (2)(b) for the purpose of conducting adoptive investigations
3 and preparing home study reports. All county departments of HUMAN OR
4 social services, qualified individuals, and child placement agencies that
5 submit applications to the STATE department and that meet the qualifying
6 criteria ~~shall~~ MUST be selected to perform home studies and, once such
7 county departments, individuals, or agencies have been approved by the
8 STATE department pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b), they
9 shall be available to perform home studies in the specified county or
10 region.

11 (c) All qualified county departments of HUMAN OR social services,
12 individuals, and child placement agencies approved by the STATE
13 department to conduct home studies pursuant to ~~paragraph (b) of this~~
14 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION shall prepare their
15 home study reports in compliance with the minimum uniform standards
16 prescribed by rule of the state board as described in subsection (3) of this
17 section and any other additional criteria and standards established by a
18 particular county pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION
19 (3)(b) of this section.

20 (d) Each qualified county department of HUMAN OR social
21 services, individual, or child placement agency approved by the STATE
22 department may promote the adoption of available children through a
23 public information campaign directed at educating and informing the
24 public about the need for safe and healthy adoptive families. Regional
25 educational campaigns ~~shall be~~ ARE encouraged.

26 (e) All qualified county departments of HUMAN OR social services,
27 individuals, and child placement agencies approved by the STATE

1 department pursuant to this subsection (2) may participate in the
2 statewide training provided by the STATE department.

3 (3) **Standards for home studies.** (a) The state board of human
4 services shall promulgate rules identifying the criteria for the
5 investigation and the minimum uniform standards for the home study
6 reports with which the qualified county departments of HUMAN OR social
7 services, individuals, or child placement agencies approved by the STATE
8 department ~~shall~~ MUST comply. The criteria ~~shall~~ MUST include, but ~~shall~~
9 ARE not be limited to:

10 (I) The quality standards that the county department of HUMAN OR
11 social services, the individual, or the child placement agency must
12 achieve;

13 (II) The time frames within which the county department of
14 HUMAN OR social services, the individual, or the child placement agency
15 must complete the investigations and home study reports; and

16 (III) The capacity of the county department of HUMAN OR social
17 services, the individual, or the child placement agency to assess the
18 abilities of prospective adoptive families to meet the needs of a child with
19 special needs.

20 (b) Nothing in this section ~~shall prohibit~~ PROHIBITS a county
21 department of HUMAN OR social services from establishing additional
22 criteria and standards that a county department of HUMAN OR social
23 services, an individual, or a child placement agency ~~shall~~ MUST meet in
24 preparing a home study report.

25 (4) **Fees for investigations and home studies.** (a) (I) Any person
26 who, by his or her own request or by order of the court as provided in
27 section 19-5-209, is the subject of a home study report and investigation

1 conducted pursuant to section 19-5-207 by a county department of
2 HUMAN OR social services, an individual, or a child placement agency
3 ~~shall be~~ IS required to pay, based on an ability to pay, the cost of such
4 report and investigation.

5 (II) In public adoptions, the state board of human services shall
6 promulgate rules establishing the maximum amount that a county
7 department of HUMAN OR social services, an individual, or a child
8 placement agency may charge a prospective adoptive family for the
9 investigation, FINGERPRINT-BASED criminal ~~records check~~ HISTORY
10 RECORD CHECKS, and home study report required pursuant to section
11 19-5-207.

12 (III) The county department of HUMAN OR social services may
13 waive the fee established pursuant to this subsection (4) if the fee poses
14 a barrier to the adoption of a child for whom a county department of
15 HUMAN OR social services has financial responsibility.

16 (b) (I) In addition to the fee specified in ~~paragraph (a) of this~~
17 ~~subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION, if the county
18 department of HUMAN OR social services has not placed a child available
19 for a public adoption with a family who is the subject of an investigation
20 and home study report after six months, then the county shall refer the
21 family and the home study report for such family to the adoptive family
22 resource registry established pursuant to subsection (5) of this section if
23 there is written consent pursuant to ~~subparagraph (f) of paragraph (c) of~~
24 ~~subsection (5)~~ SUBSECTION (5)(c)(I) of this section. Prior to referral of a
25 prospective adoptive family to the adoptive family resource registry, the
26 prospective adoptive family ~~shall~~ MUST be assessed and shall pay a
27 nonrefundable administrative fee in an amount to be determined by rule

1 of the state board of human services. A family ~~shall~~ MUST not be assessed
2 the fee described in this ~~paragraph (b)~~ SUBSECTION (4)(b) if the family is
3 not referred to the adoptive family resource registry.

4 (5) **Adoptive family resource registry.** (a) Subject to available
5 funds as specified in ~~subparagraph (II) of paragraph (b) of this~~
6 ~~subsection (5)~~ SUBSECTION (5)(b)(III) OF THIS SECTION, the STATE
7 department shall establish a statewide adoptive family resource registry
8 that county departments of HUMAN OR social services may access to
9 determine the availability of qualified families seeking to adopt a child in
10 the custody of a county department of HUMAN OR social services. The
11 STATE department is authorized to contract with a public or private entity
12 for the provision of this service.

13 (c) (II) The state board of human services shall promulgate rules
14 specifying the limited amount of nonidentifying data concerning a person
15 interested in a public adoption that ~~shall be~~ IS available to county
16 departments of HUMAN OR social services on the internet through the
17 adoptive family resource registry.

18 **SECTION 74.** In Colorado Revised Statutes, 19-5-208, **amend**
19 (2.5)(a) introductory portion, (2.5)(a)(I), (3), and (6) as follows:

20 **19-5-208. Petition for adoption.** (2.5) (a) Pursuant to the
21 provisions of section 19-1-126, the petition for adoption ~~shall~~ MUST:

22 (I) Include a statement indicating what continuing inquiries the
23 county department of HUMAN OR social services or child placement
24 agency has made in determining whether the child who is the subject of
25 the proceeding is an Indian child;

26 (3) If the adoption placement is made by the county department
27 of HUMAN OR social services or a child placement agency, the information

1 required in ~~paragraphs (b) and (f) of subsection (2)~~ SUBSECTIONS (2)(b)
2 AND (2)(f) of this section ~~shall~~ MUST not be included in the petition but
3 ~~shall be~~ transmitted to the court as part of the home study report required
4 in section 19-5-207.

5 (6) In all custodial and kinship adoptions, the petition ~~shall~~ MUST
6 contain a statement that the petitioner has consulted with the appropriate
7 local county department of HUMAN OR social services concerning the
8 possible eligibility of the petitioner and the child for temporary assistance
9 for needy families (TANF), medicaid, subsidized adoption and other
10 services or public assistance administered by the county department of
11 HUMAN OR social services.

12 **SECTION 75.** In Colorado Revised Statutes, 19-5-209, **amend**
13 (1) as follows:

14 **19-5-209. Petition - written home study reports.** (1) Except for
15 stepparent adoptions, kinship adoptions, custodial adoptions, and those
16 cases in which placement for adoption has been made by the court, if a
17 petition for the adoption of a child is not accompanied by the written
18 consent and home study report of the qualified county department of
19 HUMAN OR social services, individual, or a licensed child placement
20 agency approved by the state department of human services pursuant to
21 section 19-5-207.5 (2), the court shall order the county department of
22 HUMAN OR social services, individual, or licensed child placement agency
23 to make an investigation and file a written home study report substantially
24 in the form outlined in section 19-5-207 (2), including a recommendation
25 as to whether the adoption should be decreed.

26 **SECTION 76.** In Colorado Revised Statutes, 19-5-210, **amend**
27 (2)(b.5) as follows:

1 **19-5-210. Hearing on petition.** (2) In stepparent, custodial, or
2 kinship adoptions, the court shall hold a hearing on the petition as soon
3 as possible. In all other adoptions, the court shall hold a hearing on the
4 petition no sooner than one hundred eighty-two days after the date the
5 child begins to live in the prospective adoptive parent's home, unless for
6 good cause shown that time is extended or shortened by the court. At the
7 hearing held on the petition, the court shall enter a decree setting forth its
8 findings and grant to the petitioner a final decree of adoption if it is
9 satisfied as to:

10 (b.5) The FINGERPRINT-BASED criminal ~~records-check~~ HISTORY
11 RECORD CHECKS of the prospective adoptive parent as reported to the
12 court by the county department of HUMAN OR social services or the child
13 placement agency pursuant to section 19-5-207 (2.5) or the information
14 provided to the court pursuant to section 19-5-208 (5) does not reveal a
15 criminal history described in SECTION 19-5-207 (2.5)(a);

16 **SECTION 77.** In Colorado Revised Statutes, 19-5-213.5, **amend**
17 (3)(a) and (3)(f) as follows:

18 **19-5-213.5. Unauthorized advertising for adoption purposes**
19 **- exceptions - penalty - definitions.** (3) Subsection (2) of this section
20 does not apply to:

21 (a) An employee of the state department of human services, a
22 county department of HUMAN OR social services, or a child placement
23 agency that is licensed pursuant to part 1 of article 6 of title 26 ~~C.R.S.~~;
24 who is acting within the scope of his or her employment to place a child
25 for adoption or in foster care;

26 (f) An individual who has received a favorable recommendation
27 regarding his or her fitness to be an adoptive parent in this state from the

1 state department of human services, a county department of HUMAN OR
2 social services, or a child placement agency licensed in this state or in
3 another jurisdiction from an entity authorized by that jurisdiction to
4 conduct studies of potential adoptive homes; or

5 **SECTION 78.** In Colorado Revised Statutes, 19-5-216, **amend**
6 (1)(a) introductory portion as follows:

7 **19-5-216. Increased access for adoption - study.** (1) (a) The
8 STATE department shall examine and evaluate the process of adoptive
9 placements of children in the legal custody of the county departments of
10 HUMAN OR social services and identify those aspects of the process that
11 may be improved to achieve the ultimate goal of permanency for the
12 greatest number of children in safe and healthy adoptive homes. In
13 conducting this analysis, the STATE department should consider, but need
14 not be limited to, the following:

15 **SECTION 79.** In Colorado Revised Statutes, 19-7-101, **amend**
16 (1) introductory portion and (1)(g) as follows:

17 **19-7-101. Legislative declaration.** (1) The general assembly
18 ~~hereby~~ finds and declares that youth in foster care, excluding those in the
19 custody of the division of youth services or a state ~~mental~~ hospital FOR
20 PERSONS WITH MENTAL HEALTH DISORDERS, should enjoy the following:

21 (g) Being free to contact the child protection ombudsman, county
22 department of HUMAN OR social services, or the STATE department of
23 human services regarding any questions, concerns, or violations of the
24 rights set forth in this ~~article~~ ARTICLE 7, and to speak to representatives
25 of those offices privately, and being free from threats or punishment for
26 making complaints;

27 **SECTION 80.** In Colorado Revised Statutes, 19-7-102, **amend**

1 (2)(b) as follows:

2 **19-7-102. Protection against identity theft.** (2) (b) In compiling
3 the referral list pursuant to ~~paragraph (a) of this subsection~~ (2)
4 SUBSECTION (2)(a) OF THIS SECTION, the STATE department of human
5 services, and any county departments of HUMAN OR social services
6 consulted therein, ~~shall~~ ARE not be subject to liability pursuant to the
7 extent provided by article 10 of title 24. ~~C.R.S.~~

8 **SECTION 81.** In Colorado Revised Statutes, 19-7-103, **amend**
9 (2) as follows:

10 **19-7-103. Access to extracurricular activities - legislative**
11 **declaration - rules.** (2) If the STATE department of human services or a
12 county department of HUMAN OR social services waives ~~a~~ THE
13 fingerprint-based criminal history ~~records-check~~ RECORD CHECKS
14 pursuant to subsection (1) of this section, the STATE department of human
15 services or county department of HUMAN OR social services ~~shall~~ ARE not
16 ~~be~~ subject to liability pursuant to the extent provided by article 10 of title
17 24. ~~C.R.S.~~

18 **SECTION 82.** In Colorado Revised Statutes, 20-1-102, **amend**
19 (3) as follows:

20 **20-1-102. Appear on behalf of state and counties.** (3) The
21 district attorney, when enforcing support laws pursuant to statute or
22 contract, may use any remedy, either civil or criminal, available under the
23 laws of this state and may appear on behalf of the people of the state of
24 Colorado in any judicial district in this state. When doing so, the district
25 attorney represents the people of the state of Colorado, and nothing within
26 this section ~~shall be construed to create~~ CREATES an attorney-client
27 relationship between the district attorney and any party, other than the

1 people of the state of Colorado, or witness to the action; except that any
2 district attorney who is a contractual agent for a county department of
3 HUMAN OR social services shall collect a fee pursuant to section
4 26-13-106 (2). ~~C.R.S.~~

5 **SECTION 83.** In Colorado Revised Statutes, 20-1-201, **amend**
6 (1)(d) as follows:

7 **20-1-201. Deputies - chief deputies - staff.** (1) (d) To prosecute
8 felony nonsupport actions pursuant to article 6 of title 14, ~~C.R.S.~~, the
9 district attorney in every judicial district is authorized to appoint any
10 attorney performing child support enforcement services for the county
11 department of HUMAN OR social services pursuant to article 13 of title 26
12 ~~C.R.S.~~, as a special deputy district attorney, whether ~~such~~ THE attorney is
13 employed by the department directly, as a contractual agent for the
14 department, or through the services of a private company under contract
15 with the department. ~~In no event shall~~ A special deputy district attorney
16 appointed pursuant to this subsection (1) SHALL NOT be granted all of the
17 powers enumerated in section 16-2.5-101. ~~C.R.S.~~ The powers granted by
18 this appointment ~~shall be~~ ARE limited to the prosecutions delineated in
19 this subsection (1).

20 **SECTION 84.** In Colorado Revised Statutes, 22-2-139, **amend**
21 (1) introductory portion, (1)(a), (3), (4), (5), (6), (7), and (8) as follows:

22 **22-2-139. Memorandum of understanding - notification of risk**
23 **- rules.** (1) On or before July 1, 2011, the STATE department of human
24 services and the department of education shall enter into a memorandum
25 of understanding concerning the enrollment of students in the public
26 school system from a state-licensed day treatment facility, facility school,
27 or hospital licensed or certified pursuant to section 25-3-101. ~~C.R.S.~~ The

1 memorandum of understanding ~~shall~~ MUST include, but need not be
2 limited to:

3 (a) A consistent and uniform approach to notification and
4 appropriate and allowable data-sharing about students, including but not
5 limited to medical, mental health, sociological, and scholastic
6 achievement, within the limits of state and federal privacy and
7 confidentiality law, between school districts, charter schools, institute
8 charter schools, and county departments of HUMAN OR social services for
9 the purposes of collaboration in the placement of students pursuant to this
10 section and section 22-20-108, better facilitation of the creation of
11 transition plans for students, and ensuring the safety of the people in the
12 school community;

13 (3) This section ~~shall apply~~ only APPLIES to a hospital licensed or
14 certified pursuant to section 25-3-301 ~~C.R.S.~~, that is providing inpatient
15 acute care or psychiatric services for a student for more than ten days and
16 if there is actual knowledge that the student will attend an identified
17 public school within sixty days after discharge from the hospital. For
18 purposes of this subsection (3), information shared with the STATE
19 department of human services, county department of HUMAN OR social
20 services, or child education welfare liaison ~~shall~~ MUST be shared only for
21 a student who has been deemed to be a risk to himself or herself or the
22 community within the twelve months prior to discharge.

23 (4) The notification required in subsection (2) of this section ~~shall~~
24 MUST be made at least ten calendar days prior to the student's transition
25 from the state-licensed day treatment facility, facility school, or hospital
26 licensed or certified pursuant to section 25-3-101, ~~C.R.S.~~, and subsequent
27 enrollment in a public school and ~~shall~~ MUST include an invitation to the

1 child welfare education liaison, or his or her designee, to participate in the
2 development of a transition plan for the student. The information
3 provided to the child welfare education liaison ~~shall~~ MUST include, but
4 need not be limited to, the transitioning student's educational records from
5 the transferring educational facility and an outline of the student's
6 transitional needs to be successful in the public school setting, which
7 information would assist the school district in meeting the student's needs
8 and ensuring a successful transition. If the transitioning student is in the
9 custody of the STATE department of human services or a county
10 department of HUMAN OR social services, the state-licensed day treatment
11 facility, facility school, or hospital licensed or certified pursuant to
12 section 25-3-101 ~~C.R.S.~~, shall also provide the notification to the STATE
13 department of human services.

14 (5) If a change of placement is required for the safety of the
15 student or if a court, the STATE department of human services, or a county
16 department of HUMAN OR social services makes a placement change with
17 fewer than ten calendar days notice, the responsible state or county
18 department of human services or social services shall provide information
19 to the child welfare education liaison, designated pursuant to section
20 22-32-138 (2)(a), of the receiving school district, charter school, or
21 institute charter school within five calendar days following the student's
22 placement. The information provided to the child welfare education
23 liaison ~~shall~~ MUST include, but need not be limited to, the transitioning
24 student's educational records from the transferring educational facility and
25 an outline of the student's transitional needs to be successful in the public
26 school setting, which information would assist the district in meeting the
27 student's needs and ensuring a successful transition.

1 (6) The responsible county department of HUMAN OR social
2 services and the receiving school district, charter school, or institute
3 charter school shall cooperate to ensure that an appropriate placement
4 including educational services is made pursuant to this section and
5 sections 19-1-115.5, ~~C.R.S.~~, 22-20-108, and 22-32-138, as applicable.

6 (7) Within the confidentiality and privacy limits of state and
7 federal law, the responsible county department of HUMAN OR social
8 services or the school district, charter school, institute charter school, or
9 facility school shall provide information about the student to assist the
10 receiving entity in determining an appropriate educational placement for
11 the student.

12 (8) Nothing in this section ~~shall alter~~ ALTERS the rights and
13 obligations of the department of education, the STATE department of
14 human services, a county department of HUMAN OR social services, or a
15 school district, as such rights and obligations are set forth in this ~~title~~
16 TITLE 22; 20 U.S.C. sec. 1400 et seq.; 29 U.S.C. sec. 701 et seq.; 42
17 U.S.C. sec. 11431 et seq.; and 42 U.S.C. sec. 675, as amended by the
18 federal "Fostering Connections to Success and Increasing Adoptions Act
19 of 2008", Pub.L. 110-351.

20 **SECTION 85.** In Colorado Revised Statutes, 22-2-404, **amend**
21 (2)(c) as follows:

22 **22-2-404. Facility schools board - created - membership.**

23 (2) The state board shall appoint the members of the facility schools
24 board as follows:

25 (c) One person who represents county departments of HUMAN OR
26 social services within Colorado;

27 **SECTION 86.** In Colorado Revised Statutes, 22-2-405, **amend**

1 (1)(f) as follows:

2 **22-2-405. Facility schools unit - duties.** (1) In addition to any
3 other duties that may be required by law, the unit shall:

4 (f) Communicate and collaborate with the STATE department of
5 human services, the county departments of HUMAN OR social services, and
6 referring agencies regarding the placement and transfer of students in
7 facilities, including but not limited to communication concerning
8 academic testing prior to and following placement and other academic
9 and achievement testing.

10 **SECTION 87.** In Colorado Revised Statutes, 22-2-409, **amend**
11 (2), (3), (4), (5), and (6) as follows:

12 **22-2-409. Notification of risk.** (2) This section ~~shall apply~~
13 APPLIES only to a hospital licensed or certified pursuant to section
14 25-3-301 ~~C.R.S.~~, that is providing inpatient acute care or psychiatric
15 services for a student for more than ten days and if there is actual
16 knowledge that the student will attend an identified public school within
17 sixty days after discharge from the hospital. For purposes of this
18 subsection (2), information shared with the STATE department of human
19 services, county department of HUMAN OR social services, or child
20 education welfare liaison ~~shall~~ MUST be shared only for a student who has
21 been deemed to be a risk to himself or herself or the community within
22 the twelve months prior to discharge.

23 (3) The notification required in subsection (1) of this section ~~shall~~
24 MUST be made at least ten calendar days prior to the student's transition
25 from the state-licensed day treatment facility, facility school, or hospital
26 licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, and subsequent
27 enrollment in a public school and ~~shall~~ MUST include an invitation to the

1 child welfare education liaison, or his or her designee, to participate in the
2 development of a transition plan for the student. The information
3 provided to the child welfare education liaison ~~shall~~ MUST include, but
4 need not be limited to, the transitioning student's educational records from
5 the transferring educational facility and an outline of the student's
6 transitional needs to be successful in the public school setting, which
7 information would assist the school district in meeting the student's needs
8 and ensuring a successful transition. If the transitioning student is in the
9 custody of the STATE department of human services or a county
10 department of HUMAN OR social services, the state-licensed day treatment
11 facility, facility school, or hospital licensed or certified pursuant to
12 section 25-3-101 ~~C.R.S.~~, shall also provide the notification to the STATE
13 department of human services.

14 (4) If a change of placement is required for the safety of the
15 student or if a court, the STATE department of human services, or a county
16 department of HUMAN OR social services makes a placement change with
17 fewer than ten calendar days notice, the responsible state or county
18 department of human services or social services shall provide information
19 to the child welfare education liaison, designated pursuant to section
20 22-32-138 (2)(a), of the receiving school district, charter school, or
21 institute charter school within five calendar days following the student's
22 placement. The information provided to the child welfare education
23 liaison ~~shall~~ MUST include, but need not be limited to, the transitioning
24 student's educational records from the transferring educational facility and
25 an outline of the student's transitional needs to be successful in the public
26 school setting, which information would assist the district in meeting the
27 student's needs and ensuring a successful transition.

1 (5) The responsible county department of HUMAN OR social
2 services and the receiving school district, charter school, or institute
3 charter school shall cooperate to ensure that an appropriate placement
4 including educational services is made pursuant to this section and
5 sections 19-1-115.5, ~~C.R.S.~~, 22-20-108, and 22-32-138, as applicable.

6 (6) Within the confidentiality and privacy limits of state and
7 federal law, the responsible county department of HUMAN OR social
8 services or the school district, charter school, institute charter school, or
9 facility school shall provide information about the student to assist the
10 receiving entity in determining an appropriate educational placement for
11 the student.

12 **SECTION 88.** In Colorado Revised Statutes, 22-14-106, **amend**
13 (2) introductory portion and (2)(e) as follows:

14 **22-14-106. Local education provider practices assessment -**
15 **technical assistance - rules.** (2) Each practices assessment, at a
16 minimum, ~~shall~~ **MUST** address the high priority or priority local education
17 provider's:

18 (e) Coordination with child welfare services, including but not
19 limited to county departments of HUMAN OR social services, facility
20 schools, and other youth services providers;

21 **SECTION 89.** In Colorado Revised Statutes, 22-20-103, **amend**
22 (12.7) as follows:

23 **22-20-103. Definitions.** As used in this part 1, unless the context
24 otherwise requires:

25 (12.7) "Foster home" has the same meaning as a "foster care
26 home" as defined in section 26-6-102 (14) ~~C.R.S.~~, and ~~shall~~ **MUST** be
27 licensed by the STATE department of human services or certified by a

1 county department of HUMAN OR social services or certified by a child
2 placement agency as defined in section 26-6-102 (7). ~~C.R.S.~~

3 **SECTION 90.** In Colorado Revised Statutes, 22-28-105, **amend**
4 (1)(b) introductory portion and (1)(b)(III)(B) as follows:

5 **22-28-105. District preschool program advisory council -**
6 **duties.** (1) (b) The appointed members of the district advisory council
7 ~~shall~~ MUST include, but ~~shall not be~~ ARE NOT limited to, the following:

8 (III) Representatives from the following:

9 (B) The county department of HUMAN OR social services;

10 **SECTION 91.** In Colorado Revised Statutes, 22-32-109.3,
11 **amend** (2)(b) as follows:

12 **22-32-109.3. Board of education - specific duties - student**
13 **records.** (2) Notwithstanding the provisions of subsection (1) of this
14 section, the address and telephone number and any medical,
15 psychological, sociological, and scholastic achievement data concerning
16 any student are released only under the following conditions:

17 (b) To district or municipal court personnel, the division of youth
18 services, county departments of HUMAN OR social services, the youthful
19 offender system, and any other juvenile justice agency within fifteen days
20 after receipt by the school district of a court order authorizing release of
21 such information.

22 **SECTION 92.** In Colorado Revised Statutes, 22-32.5-105,
23 **amend** (1)(c) as follows:

24 **22-32.5-105. Suggested innovations.** (1) In considering or
25 creating an innovation plan or a plan for creating an innovation school
26 zone, each local school board is strongly encouraged to consider
27 innovations in the following areas:

1 (c) Provision of services, including but not limited to special
2 education services; services for gifted and talented students; services for
3 English language learners; educational services for students at risk of
4 academic failure, expulsion, or dropping out; and support services
5 provided by the STATE department of human services or county
6 DEPARTMENTS OR AGENCIES OF HUMAN OR social services; ~~agencies;~~

7 **SECTION 93.** In Colorado Revised Statutes, 22-38-106, **amend**
8 (1) as follows:

9 **22-38-106. Application process for pilot school contract.**

10 (1) The state board shall appoint a selection committee to review
11 applications for each of the pilot schools established pursuant to this
12 ~~article~~ ARTICLE 38 and to make recommendations to the state board as to
13 whether a pilot school should be established in an area and which
14 applicant should be selected. The state board shall appoint, as members
15 of or advisors to the committee, members from the county departments of
16 HUMAN OR social services from each region in which a pilot school is to
17 be established. The committee may also include persons from local school
18 districts, local law enforcement agencies, local probation departments,
19 community-based organizations, parent groups, and any other interested
20 private citizens.

21 **SECTION 94.** In Colorado Revised Statutes, 24-1.9-102, **amend**
22 (1)(a) introductory portion and (1)(c) as follows:

23 **24-1.9-102. Memorandum of understanding - local-level**
24 **interagency oversight groups - individualized service and support**
25 **teams - coordination of services for children and families -**
26 **requirements - waiver.** (1) (a) Local representatives of each of the
27 agencies specified in this subsection (1)(a) and county departments of

1 HUMAN OR social services may enter into memorandums of understanding
2 that are designed to promote a collaborative system of local-level
3 interagency oversight groups and individualized service and support
4 teams to coordinate and manage the provision of services to children and
5 families who would benefit from integrated multi-agency services. The
6 memorandums of understanding entered into pursuant to this subsection
7 (1) must be between interested county departments of HUMAN OR social
8 services and local representatives of each of the following agencies or
9 entities:

10 (c) Notwithstanding the provisions of ~~paragraph (b) of this~~
11 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, the agencies specified
12 in ~~paragraphs (a) and (a.5) of this subsection (1)~~ SUBSECTIONS (1)(a) AND
13 (1)(a.5) OF THIS SECTION may enter into memorandums of understanding
14 involving only one or more county departments of HUMAN OR social
15 services, not necessarily by region, as may be appropriate to ensure the
16 effectiveness of local-level interagency oversight groups and
17 individualized service and support teams in the county or counties.

18 **SECTION 95.** In Colorado Revised Statutes, 24-1.9-103, **amend**
19 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(VII) as follows:

20 **24-1.9-103. Reports - executive director review.** (2) (b) The
21 following persons or their designees shall attend the annual meeting
22 required pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION
23 (2)(a) OF THIS SECTION:

24 (III) A director of a county department of HUMAN OR social
25 services that has entered into a memorandum of understanding and has
26 met or exceeded the performance measures identified in the memorandum
27 of understanding pursuant to section 24-1.9-102 (2)(i), as such director

1 is selected by the executive director of the STATE department of human
2 services;

3 (VII) A representative from a statewide parent advocacy or family
4 advocacy organization who participated in the development of a
5 memorandum of understanding, as such representative is selected by a
6 director of a county department of HUMAN OR social services chosen by
7 the state department of human services;

8 **SECTION 96.** In Colorado Revised Statutes, 24-4-105, **amend**
9 (14)(a) introductory portion and (14)(a)(I) as follows:

10 **24-4-105. Hearings and determinations.** (14) (a) For the
11 purpose of a decision by an agency ~~which~~ THAT conducts a hearing or an
12 initial decision by an administrative law judge or a hearing officer, the
13 record ~~shall~~ MUST include: All pleadings, applications, evidence, exhibits,
14 and other papers presented or considered, matters officially noticed,
15 rulings upon exceptions, any findings of fact and conclusions of law
16 proposed by any party, and any written brief filed. The agency,
17 administrative law judge, or hearing officer may permit oral argument.
18 ~~No~~ THE AGENCY, THE ADMINISTRATIVE LAW JUDGE, OR THE HEARING
19 OFFICER SHALL NOT RECEIVE OR CONSIDER ex parte material or
20 representation of any kind offered without notice. ~~shall be received or~~
21 ~~considered by the agency, the administrative law judge, or by the hearing~~
22 ~~officer.~~ The agency, an administrative law judge, or hearing officer, with
23 the consent of all parties, may eliminate or summarize any part of the
24 record where this may be done without affecting the decision. In any case
25 in which the agency has conducted the hearing, the agency shall prepare,
26 file, and serve upon each party its decision. In any case in which an
27 administrative law judge or a hearing officer has conducted the hearing,

1 the administrative law judge or the hearing officer shall prepare and file
2 an initial decision ~~which~~ THAT the agency shall serve upon each party,
3 except where all parties with the consent of the agency have expressly
4 waived their right to have an initial decision rendered by such
5 administrative law judge or hearing officer. Each decision and initial
6 decision ~~shall~~ MUST include a statement of findings and conclusions upon
7 all the material issues of fact, law, or discretion presented by the record
8 and the appropriate order, sanction, relief, or denial. ~~thereof~~. An appeal
9 to the agency ~~shall~~ MUST be made as follows:

10 (I) With regard to initial decisions regarding agency action by the
11 department of health care policy and financing, the state department of
12 human services, or county department of HUMAN OR social services, or
13 any contractor acting for any such department, under section 26-1-106
14 (1)(a) or 25.5-1-107 (1)(a), ~~C.R.S.~~, by filing exceptions within fifteen
15 days after service of the initial decision upon the parties, unless extended
16 by the department of health care policy and financing, or the state
17 department of human services, as applicable, or unless a review has been
18 initiated in accordance with this ~~subparagraph (I)~~ SUBSECTION (14)(a)(I)
19 upon motion of the applicable department within fifteen days after service
20 of the initial decision. In the event a party fails to file an exception within
21 fifteen days, the applicable department may allow, upon a showing of
22 good cause by the party, for an extension of up to an additional fifteen
23 days to reconsider the final agency action.

24 **SECTION 97.** In Colorado Revised Statutes, 24-30-2204, **amend**
25 (2)(b)(IV) as follows:

26 **24-30-2204. Program to assist persons to obtain disability**
27 **benefits - repeal.** (2) (b) The committee shall not award the contract

1 unless the proposal includes:

2 (IV) A plan for establishment of working relationships with state
3 agencies, county departments of human OR SOCIAL services, health care
4 providers, the United States social security administration, and the
5 business community;

6 **SECTION 98.** In Colorado Revised Statutes, 24-54-101, **amend**
7 (2.5) as follows:

8 **24-54-101. Authorization to establish and maintain retirement**
9 **plan or system - definitions.** (2.5) Any pension plan or system of
10 retirement benefits established by a county or counties may include
11 participating county departments of health and HUMAN OR social services,
12 library districts organized or existing pursuant to part 1 of article 90 of
13 this ~~title~~ TITLE 24 located in whole or in part within those counties, and
14 the district attorneys' offices serving those counties.

15 **SECTION 99.** In Colorado Revised Statutes, 25-2-117, **amend**
16 (2)(a)(I)(B) and (2)(a)(I)(C) as follows:

17 **25-2-117. Certified copies furnished - fee.** (2) An applicant
18 shall pay fees established pursuant to section 25-2-121 for each of the
19 following services:

20 (a) The reproduction and certification of birth or death records;
21 except that an applicant shall not pay a fee:

22 (I) For the provision of a certified copy of such a record to:

23 (B) A county department of HUMAN OR social services; ~~or human~~
24 ~~services;~~ or

25 (C) An individual presenting a letter of referral from a county
26 department of HUMAN OR social services; or

27 **SECTION 100.** In Colorado Revised Statutes, 25-3.5-803,

1 **amend** (2) as follows:

2 **25-3.5-803. Definitions.** As used in this part 8, unless the context
3 otherwise requires:

4 (2) "Entity" means any local government, county, district, or
5 municipal public health agency, political subdivision of the state, county
6 department of HUMAN OR social services, state agency, state institution of
7 higher education that offers a teacher education program, school, school
8 district, or board of cooperative services or any private nonprofit or
9 not-for-profit community-based organization. "Entity" also means a
10 for-profit organization that applies for a grant for the sole purpose of
11 providing a statewide public information campaign concerning tobacco
12 use prevention and cessation.

13 **SECTION 101.** In Colorado Revised Statutes, 25-20.5-106,
14 **amend** (2) introductory portion and (2)(b)(III) as follows:

15 **25-20.5-106. State board of health - rules - program duties.**

16 (2) The state board of health also shall adopt rules for the uniform
17 operation of federally and state-funded prevention, intervention, and
18 treatment programs. In adopting such rules, the board shall take into
19 account prevention, intervention, and treatment programs' need for
20 responsiveness and flexibility and their need for procedures and standards
21 that will ensure the provision of programs that meet a high standard of
22 excellence. At a minimum such rules ~~shall~~ MUST include:

23 (b) Uniform, minimum standards for prevention, intervention, and
24 treatment programs, including but not limited to requirements that each
25 prevention, intervention, and treatment program that receives state or
26 federal funds:

27 (III) Work collaboratively with other public and private

1 prevention, intervention, and treatment programs in the community and
2 with local governments, county, district, and municipal public health
3 agencies, county departments of HUMAN OR social services, and
4 faith-based organizations in the community;

5 **SECTION 102.** In Colorado Revised Statutes, 25-20.5-403,
6 **amend** (1) as follows:

7 **25-20.5-403. Definitions.** As used in this part 4, unless the
8 context otherwise requires:

9 (1) "County department" means the county or district department
10 of HUMAN OR social services.

11 **SECTION 103.** In Colorado Revised Statutes, 25-20.5-404,
12 **amend** (3)(b)(II) as follows:

13 **25-20.5-404. Local and regional review teams - creation -**
14 **membership - authority.** (3) (b) A local or regional review team may
15 include but is not limited to representatives from the following entities or
16 groups located within the service area of the establishing county or
17 district public health agency or agencies:

18 (II) Each county board of HUMAN OR social services;

19 **SECTION 104.** In Colorado Revised Statutes, 25-20.5-407,
20 **amend** (1)(h) as follows:

21 **25-20.5-407. State review team - duties - definitions.** (1) The
22 state review team shall:

23 (h) Provide an annual summary to the STATE department of human
24 services outlining the trends and patterns of child abuse and neglect
25 fatalities, including information regarding the findings from cases known
26 and unknown to the county departments of HUMAN OR social services;

27 **SECTION 105.** In Colorado Revised Statutes, 25-20.5-408,

1 **amend** (1)(a) as follows:

2 **25-20.5-408. Access to records.** (1) **Review team access to**
3 **records.** (a) Notwithstanding any other state law to the contrary but
4 subject to the requirements of applicable provisions of federal law, the
5 state review team and the local or regional review teams ~~shall~~ have access
6 to all records and information in the possession of the STATE department
7 of human services and the county departments of HUMAN OR social
8 services that are relevant to the review of a child fatality, including
9 records and information related to previous reports and investigations of
10 suspected child abuse or neglect.

11 **SECTION 106.** In Colorado Revised Statutes, 25.5-1-103,
12 **amend** the introductory portion, (1), (2), and (3) as follows:

13 **25.5-1-103. Definitions.** As used in this ~~title~~ TITLE 25.5, unless the
14 context otherwise requires:

15 (1) "County board" means the county or district board of HUMAN
16 OR social services; except that, in the city and county of Denver, "county
17 board" means the department or agency with the responsibility for public
18 assistance and welfare activities, and, in the city and county of
19 Broomfield, "county board" means the city council or a board or
20 commission with the responsibility for public assistance and welfare
21 activities appointed by the city and county of Broomfield.

22 (2) "County department" means the county or district department
23 of HUMAN OR social services.

24 (3) "County director" means the director of the county or district
25 department of HUMAN OR social services.

26 **SECTION 107.** In Colorado Revised Statutes, 25.5-1-107,
27 **amend** (1) as follows:

1 **25.5-1-107. Final agency action - administrative law judge -**
2 **authority of executive director.** (1) The executive director may appoint
3 one or more persons to serve as administrative law judges for the state
4 department pursuant to section 24-4-105 ~~C.R.S.~~, and pursuant to part 10
5 of article 30 of title 24 ~~C.R.S.~~, subject to appropriations made to the
6 department of personnel. Except as provided in subsection (2) of this
7 section, hearings conducted by the administrative law judge ~~shall be~~ ARE
8 considered initial decisions of the state department and shall be reviewed
9 by the executive director or a designee of the executive director. In the
10 event exceptions to the initial decision are filed pursuant to section
11 24-4-105 (14)(a)(I), ~~C.R.S., such~~ THE review ~~shall~~ MUST be in accordance
12 with section 24-4-105 (15). ~~C.R.S.~~ In the absence of any exception filed
13 pursuant to section 24-4-105 (14)(a)(I), ~~C.R.S.~~, the executive director
14 shall review the initial decision in accordance with a procedure adopted
15 by the state board. ~~Such~~ THE procedure ~~shall~~ MUST be consistent with
16 federal mandates concerning the single state agency requirement. Review
17 by the executive director in accordance with section 24-4-105 (15)
18 ~~C.R.S.~~, or the procedure adopted by the state board pursuant to this
19 section ~~shall constitute~~ CONSTITUTES final agency action. The
20 administrative law judge may conduct hearings on appeals from decisions
21 of county departments of HUMAN OR social services brought by recipients
22 of and applicants for medical assistance and welfare ~~which~~ THAT are
23 required by law in order for the state to qualify for federal funds, and the
24 administrative law judge may conduct other hearings for the state
25 department. Notice of any such hearing ~~shall~~ MUST be served at least ten
26 days prior to such hearing.

27 **SECTION 108.** In Colorado Revised Statutes, **amend** 25.5-1-117

1 as follows:

2 **25.5-1-117. County departments - district departments.**

3 (1) Except as provided in subsection (2) of this section, there ~~shall be~~ IS
4 established in each county of the state a county department of HUMAN OR
5 social services that ~~shall consist~~ CONSISTS of a county board of HUMAN OR
6 social services, a county director of HUMAN OR social services, and any
7 additional employees as may be necessary for the efficient performance
8 of public assistance, as defined in section 26-2-103 (7), ~~C.R.S.~~, and
9 medical assistance.

10 (2) Single entry point agencies established pursuant to part 1 of
11 article 6 of this ~~title~~ TITLE 25.5, other than county departments OF HUMAN
12 OR SOCIAL SERVICES acting as single entry point agencies, may act as state
13 designated agencies and are ~~hereby~~ authorized to carry out functions as
14 specified in part 1 of article 6 of this ~~title~~ TITLE 25.5 that are otherwise
15 performed by county departments OF HUMAN OR SOCIAL SERVICES.

16 (3) With the approval of the STATE department of human services,
17 two or more counties may jointly establish a district department of
18 HUMAN OR social services. All duties and responsibilities for county
19 departments OF HUMAN OR SOCIAL SERVICES set forth in this ~~title~~ ~~shall~~
20 TITLE 25.5 also apply to district departments of HUMAN OR social services.

21 **SECTION 109.** In Colorado Revised Statutes, 25.5-4-106,
22 **amend** (5) as follows:

23 **25.5-4-106. Cooperation with federal government -**
24 **grants-in-aid - cooperation with the state department of human**
25 **services in delivery of services.** (5) The state department is responsible
26 for administering the delivery of medical assistance by county
27 departments of HUMAN OR social services or any other public or private

1 entities participating in the delivery of medical assistance pursuant to this
2 ~~article~~ ARTICLE 4 and articles 5 and 6 of this ~~title~~ TITLE 25.5.

3 **SECTION 110.** In Colorado Revised Statutes, 25.5-4-301,
4 **amend** (2) introductory portion, (3)(a) introductory portion, and
5 (3)(a)(IV) as follows:

6 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
7 **adjustments - liens - review or audit procedures.** (2) Any overpayment
8 to a provider, including those of personal needs funds made pursuant to
9 section 25.5-6-206, ~~shall be~~ ARE recoverable regardless of whether the
10 overpayment is the result of an error by the state department, a county
11 department of HUMAN OR social services, an entity acting on behalf of
12 either department, or by the provider or any agent of the provider as
13 follows:

14 (3) (a) A review or audit of a provider ~~shall be~~ IS subject to the
15 following procedures:

16 (IV) The reviewer or auditor shall initiate each review or audit
17 requiring an inspection of the provider's records by delivering to the
18 provider not less than ten business days prior to the commencement of the
19 audit a written request describing in detail such records and offering the
20 provider the option of providing either a reproduction of such records or
21 inspection by the reviewer or auditor at the provider's site. The request
22 ~~shall~~ MUST also clearly define milestone dates pertaining to records'
23 requested due dates, permissible extensions of dates, the timelines for
24 informal reconsideration, and deadlines for requesting a formal appeal.
25 The records subject to the request ~~shall~~ MUST be limited to records
26 directly related to claims for reimbursement submitted by the provider. In
27 the event such records are available from a county department of HUMAN

1 OR social services or another agency, subdivision, or contractor of the
2 state, the reviewer or auditor shall request such records from such other
3 agencies as may be appropriate prior to making a request to the provider.
4 The reviewer or auditor shall conduct on-site inspections at reasonable
5 times during regular business hours, and the reviewer or auditor shall
6 make arrangements necessary for the reproduction of such records on site.
7 If the provider chooses to provide a reproduction of the records requested
8 by the reviewer or auditor instead of on-site inspection, the reviewer or
9 auditor shall give the provider a reasonable period of time, ~~that shall be~~
10 not less than forty-five days, to provide such records taking into account
11 the scope of the request, the time frame covered, and the reproduction
12 arrangements available to the provider.

13 **SECTION 111.** In Colorado Revised Statutes, 25.5-5-306,
14 **amend** (1) as follows:

15 **25.5-5-306. Residential child health care - waiver - program**
16 **- rules.** (1) The state department, in cooperation with the STATE
17 department of human services, shall implement a program concerning
18 residential child health care under this ~~article~~ ARTICLE 5 and articles 4 and
19 6 of this ~~title~~ TITLE 25.5 to provide services pursuant to article 67 of title
20 27, ~~C.R.S.~~, to medicaid-eligible children residing in residential child care
21 facilities, as that term is defined in section 26-6-102 (33), ~~C.R.S.~~, to
22 medicaid-eligible children residing in psychiatric residential treatment
23 facilities, and children placed by the STATE department of human services
24 or through county departments of HUMAN OR social services in licensed
25 or certified out-of-home placement facilities. Children with intellectual
26 and developmental disabilities, as defined in section 25.5-10-202, who are
27 placed in such facilities ~~shall~~ MUST meet the out-of-home placement

1 criteria described in section 19-1-107 ~~C.R.S.~~, and shall AND MUST be
2 neglected or dependent as described in section 19-3-102. ~~C.R.S.~~ The state
3 board shall establish the type of rehabilitative or medical assistance
4 services to be provided under the program as described in subsection (3)
5 of this section, to the extent such services are cost-efficient, and the
6 recipient eligibility criteria that may include, but are not limited to, a
7 medical necessity determination and a financial eligibility determination.
8 The state board shall define in rule the staff permitted to order, monitor,
9 and assess seclusion and restraint in psychiatric residential treatment
10 facilities, and the corresponding restrictions on the use of seclusion and
11 restraint.

12 **SECTION 112.** In Colorado Revised Statutes, 25.5-6-103,
13 **amend** (1) introductory portion and (1)(b) as follows:

14 **25.5-6-103. Court-approved trusts - transfer of property for**
15 **persons seeking medical assistance - rule-making authority for trusts**
16 **created on or after July 1, 1994 - undue hardship.** (1) The state board
17 shall adopt such rules as are necessary with respect to trusts established
18 pursuant to sections 15-14-412.6 to 15-14-412.9. ~~C.R.S.~~ The state board
19 shall adopt rules that address, but need not be limited to, the following:

20 (b) Reasonable financial reimbursement or incentives to the state
21 department, county departments of HUMAN OR social services, and any
22 other designated agencies for the efforts and expenses in monitoring
23 trusts, and where necessary, for the recovery of trust property that has
24 been improperly distributed or otherwise expended.

25 **SECTION 113.** In Colorado Revised Statutes, 25.5-8-111,
26 **amend** (1)(a)(II) as follows:

27 **25.5-8-111. Department - administration - outsourcing.**

1 (1) (a) The department may:
2 (II) Use county departments of HUMAN OR social services to
3 perform functions relating to the administration of the children's basic
4 health plan;

5 **SECTION 114.** In Colorado Revised Statutes, 26-1-103, **amend**
6 the introductory portion and (1) as follows:

7 **26-1-103. Definitions.** As used in this ~~title~~ TITLE 26, unless the
8 context otherwise requires:

9 (1) "County board" means the county or district board of HUMAN
10 OR social services.

11 **SECTION 115.** In Colorado Revised Statutes, 26-1-115, **amend**
12 (1) and (2) as follows:

13 **26-1-115. County departments - district departments.**

14 (1) Except as provided in subsection (2) of this section, there ~~shall be~~ IS
15 established in each county of the state a county department of HUMAN OR
16 social services ~~which shall consist~~ THAT CONSISTS of a county board of
17 HUMAN OR social services, a county director of HUMAN OR social services,
18 and such additional employees as may be necessary for the efficient
19 performance of public assistance and welfare activities, including but not
20 limited to assistance payments, food stamps, and social services.

21 (2) With the approval of the state department OF HUMAN SERVICES,
22 two or more counties may jointly establish a district department of
23 HUMAN OR social services. All duties and responsibilities set forth in this
24 ~~title~~ TITLE 26 for county departments ~~shall~~ OF HUMAN OR SOCIAL SERVICES
25 also apply to district departments OF HUMAN OR SOCIAL SERVICES.

26 **SECTION 116.** In Colorado Revised Statutes, 26-2-102.5,
27 **amend** (2) introductory portion and (2)(a) as follows:

1 **26-2-102.5. Foster care - Title IV-E of the social security act.**

2 (2) Such child ~~shall~~ MUST meet all of the following conditions:

3 (a) The placement and care of such child are the responsibility of
4 the state department of human services or a county department of HUMAN
5 OR social services;

6 **SECTION 117.** In Colorado Revised Statutes, 26-2-104, **amend**
7 (2)(a)(III) as follows:

8 **26-2-104. Public assistance programs - electronic benefits**
9 **transfer service - joint reports with department of revenue - signs -**
10 **rules - repeal.** (2) (a) (III) In the development and implementation of the
11 service, the state department shall consult with representatives of those
12 persons, agencies, and organizations that will use or be affected by the
13 electronic benefits transfer service, including program clients, to assure
14 that the service is as workable, effective, and efficient as possible. The
15 electronic benefits transfer service is applicable to the public assistance
16 programs described in subsection (1) of this section and to food stamps
17 as described in part 3 of this ~~article~~ ARTICLE 2. The state department shall
18 contract in accordance with state purchasing requirements with any entity
19 for the development and administration of the electronic benefits transfer
20 service. In order to ensure the integrity of the electronic benefits transfer
21 service, the system developed pursuant to this section must use, but is not
22 limited to, security measures such as individual personal identification
23 numbers, photo identification, or fingerprint identification. The security
24 method or methods selected must be those that are most efficient and
25 effective. The state board shall establish by rule a policy and procedure
26 to limit losses to a client after the client reports that the electronic benefits
27 transfer card or benefits have been lost or stolen. The state department

1 may authorize county departments of HUMAN OR social services to charge
2 a fee to a client to cover the costs related to issuing a replacement
3 electronic benefits transfer card.

4 **SECTION 118.** In Colorado Revised Statutes, 26-2-122.5,
5 **amend** (3) as follows:

6 **26-2-122.5. Acceptance of available money to finance the**
7 **low-income energy assistance program - rules.** (3) Notwithstanding
8 the availability of additional ~~moneys~~ MONEY pursuant to subsection (2)
9 of this section, the low-income energy assistance program ~~shall~~ MUST be
10 administered within the staffing structure, in existence on July 1, 1991,
11 of the state department of human services and county departments of
12 HUMAN OR social services, without additional FTE.

13 **SECTION 119.** In Colorado Revised Statutes, 26-2-133, **amend**
14 (5) as follows:

15 **26-2-133. State income tax refund offset - rules.** (5) The home
16 addresses and social security numbers of persons subject to the income
17 tax refund offset, provided to the state department by the department of
18 revenue, ~~shall~~ MUST be sent to the respective county department of
19 HUMAN OR social services.

20 **SECTION 120.** In Colorado Revised Statutes, 26-2-305, **amend**
21 (1.5) as follows:

22 **26-2-305. Fraudulent acts - penalties.** (1.5) Any person against
23 whom a county department of HUMAN OR social services or the state
24 department obtains a civil judgment in a state or federal court of record
25 in this state based on allegations that the person obtained or willfully
26 aided and abetted another to obtain food stamp coupons or authorization
27 to purchase cards or an electronic benefits transfer card or similar credit

1 card-type device through which food stamp benefits may be delivered the
2 value of which is greater than that to which the person is justly entitled by
3 means of a willfully false statement or representation, or by
4 impersonation, or by any other fraudulent device with intent to defeat the
5 purposes of the food stamp program, is disqualified from participation in
6 the food stamp program for one year for a first incident, two years for a
7 second incident, and permanently for a third or subsequent incident. Such
8 disqualifications are mandatory and are in addition to any other remedy
9 available to a judgment creditor.

10 **SECTION 121.** In Colorado Revised Statutes, 26-2-808, **amend**
11 (2) as follows:

12 **26-2-808. Pilot program to mitigate cliff effect for low-income**
13 **families who are working and receiving child care assistance -**
14 **legislative declaration - county participation - fund - grant program**
15 **- report - repeal.** (2) Beginning on April 13, 2012, the state department
16 is authorized to develop and oversee a pilot program in which the
17 Colorado child care assistance program as outlined in section 26-2-805
18 is modified to mitigate the cliff effect for low-income families who are
19 working and receiving child care assistance, referred to in this section as
20 the "pilot program". The counties are highly encouraged to design the
21 cliff mitigation to be revenue neutral for each individual family
22 participating in the pilot program. County departments of HUMAN OR
23 social services may apply to the executive director or his or her designee
24 to participate in the pilot program. Counties are highly encouraged to
25 collaborate with early childhood councils and other community partners
26 as necessary in the development of the application. Subject to available
27 ~~moneys~~ MONEY in the fund, the executive director or his or her designee

1 may select the counties that will participate in the pilot program as
2 described in this section. In selecting the counties, the executive director
3 or his or her designee shall seek diversity in the size of population,
4 regional location, and demographic composition and shall consider
5 whether there will be enough participants in each pilot program to enable
6 researchers to evaluate whether the strategies used in the pilot program
7 have addressed the cliff effect. The executive director or his or her
8 designee shall enter into a memorandum of understanding with each
9 county department selected to participate in the pilot program. The
10 memorandum of understanding governs the implementation of the pilot
11 program in that county, including but not limited to how the county
12 decides which and how many families can participate in the pilot
13 program.

14 **SECTION 122.** In Colorado Revised Statutes, **amend** 26-5-108
15 as follows:

16 **26-5-108. Developmental assessment - rules.** The appropriate
17 county department of human OR SOCIAL services shall refer each child
18 under five years of age who is the subject of a substantiated case of abuse
19 or neglect to the appropriate state or local agency for developmental
20 screening within sixty days after abuse or neglect has been substantiated.
21 The state board shall promulgate rules to implement this section.

22 **SECTION 123.** In Colorado Revised Statutes, 26-5.5-104,
23 **amend** (5) as follows:

24 **26-5.5-104. Statewide family preservation program - creation**
25 **- single state agency designated - program criteria established -**
26 **available services - powers and duties of agencies - local oversight -**
27 **feasibility report.** (5) The state department of human services and

1 county departments of HUMAN OR social services may seek the assistance
2 of any public or private entity in carrying out the duties set forth in this
3 ~~article~~ ARTICLE 5.5. In addition, the state department may contract with
4 any public or private entity in providing the services described in this
5 ~~article~~ ARTICLE 5.5. Priority ~~shall~~ MUST be given to vendors who provide
6 the most geographically and culturally relevant services.

7 **SECTION 124.** In Colorado Revised Statutes, 26-5.7-102,
8 **amend** the introductory portion and (1) as follows:

9 **26-5.7-102. Definitions.** As used in this ~~article~~ ARTICLE 5.7,
10 unless the context otherwise requires:

11 (1) "County department" means the county, city and county, or
12 district department of HUMAN OR social services.

13 **SECTION 125.** In Colorado Revised Statutes, 26-6-102, **amend**
14 (4), (30) introductory portion, and (30)(a) as follows:

15 **26-6-102. Definitions.** As used in this article 6, unless the context
16 otherwise requires:

17 (4) "Certification" means the process by which the county
18 department of HUMAN OR social services or a child placement agency
19 approves the operation of a foster care home.

20 (30) "Public services short-term child care facility" means a
21 facility that is operated by or for a county department of HUMAN OR social
22 services or a court and that provides care for a child:

23 (a) While the child's parent or the person in charge of the child is
24 conducting business with the county department of HUMAN OR social
25 services or participating in court proceedings;

26 **SECTION 126.** In Colorado Revised Statutes, 26-6-106, **amend**
27 (6)(a) introductory portion and (6)(b) as follows:

1 **26-6-106. Standards for facilities and agencies - rules.**

2 (6) (a) A county director of HUMAN OR social services, or his or her
3 designee, may approve, at his or her discretion, a waiver of non-safety
4 licensing standards for kinship foster care. A waiver may only be
5 approved if:

6 (b) In addition to an approved waiver of non-safety licensing
7 standards, a county director of HUMAN OR social services, or his or her
8 designee, may limit or restrict a license issued to a kinship foster care
9 entity or require that entity to enter into a compliance agreement to ensure
10 the safety and well-being of the child or children in that entity's care.

11 **SECTION 127.** In Colorado Revised Statutes, 26-6-108.5,
12 **amend** (1)(d) as follows:

13 **26-6-108.5. Notice of negative licensing action - filing of**
14 **complaints.** (1) (d) Nothing in this subsection (1) ~~shall be construed to~~
15 ~~preclude the~~ PRECLUDES THE STATE department or a county department
16 of HUMAN OR social services from notifying parents of serious violations
17 of any of the standards prescribed and published by the department or any
18 of the provisions of this part 1 that could impact the health, safety, or
19 welfare of a child cared for at the facility or home.

20 **SECTION 128.** In Colorado Revised Statutes, 26-6.4-103,
21 **amend** the introductory portion and (1) as follows:

22 **26-6.4-103. Definitions.** As used in this ~~article~~ ARTICLE 6.4,
23 unless the context otherwise requires:

24 (1) "Entity" means any nonprofit, not-for-profit, or for-profit
25 corporation, religious or charitable organization, institution of higher
26 education, visiting nurse association, existing visiting nurse program,
27 county, district, or municipal public health agency, county department of

1 HUMAN OR social services, political subdivision of the state, or other
2 governmental agency or any combination thereof.

3 **SECTION 129.** In Colorado Revised Statutes, 26-6.5-101.5,
4 **amend** (3) as follows:

5 **26-6.5-101.5. Definitions.** As used in this part 1, unless the
6 context otherwise requires:

7 (3) "County department" means the county or district department
8 of HUMAN OR social services.

9 **SECTION 130.** In Colorado Revised Statutes, 26-6.5-103.5,
10 **amend** (3)(b) introductory portion and (3)(b)(I) as follows:

11 **26-6.5-103.5. Early childhood councils - membership.**

12 (3) (b) Early childhood council membership ~~shall~~ MUST include
13 representatives from the public and private stakeholders from early care
14 and education, family support, health, and mental health programs who
15 reflect local needs and cultural diversity. The membership of each early
16 childhood council ~~shall~~ MUST also represent the geographic diversity
17 within the county or counties involved in the council. Each council ~~shall~~
18 MUST include a minimum of ten members with representation from each
19 of the following stakeholder groups within the council's service area:

20 (I) Local government, including but not limited to county
21 commissioners, city council members, local school district board
22 members, and local county departments of human OR SOCIAL services;

23 **SECTION 131.** In Colorado Revised Statutes, 26-6.7-102,
24 **amend** the introductory portion and (2) as follows:

25 **26-6.7-102. Definitions.** As used in this ~~article~~ ARTICLE 6.7,
26 unless the context otherwise requires:

27 (2) "County department" means a county or district department of

1 HUMAN OR social services.

2 **SECTION 132.** In Colorado Revised Statutes, 26-11.5-105,
3 **amend** (1) introductory portion and (1)(a)(I) as follows:

4 **26-11.5-105. Duties of state long-term care ombudsman.** (1) In
5 addition to such other duties and functions as the state department may
6 allocate to the office, the state long-term care ombudsman ~~shall have~~ HAS
7 the following duties and functions in implementing a statewide long-term
8 care ombudsman program:

9 (a) (I) Establish statewide policies and procedures for operating
10 the state long-term care ombudsman program including procedures to
11 identify, investigate, and seek the resolution or referral of complaints
12 made by or on behalf of any resident related to any action, inaction, or
13 decision of any provider of long-term care services or of any public
14 agency, including the state department of human services and county
15 departments of HUMAN OR social services, that may adversely affect the
16 health, safety, welfare, or rights of the resident.

17 **SECTION 133.** In Colorado Revised Statutes, 26-11.5-113,
18 **amend** (1)(a) as follows:

19 **26-11.5-113. Duties of state PACE ombudsman - repeal.**

20 (1) The state PACE ombudsman has the following duties and functions:

21 (a) No later than July 1, 2017, establish statewide policies and
22 procedures to identify, investigate, and seek the resolution or referral of
23 complaints made by or on behalf of a PACE participant related to any
24 action, inaction, or decision of any PACE organization or PACE provider
25 or of any public agency, including the state department of human services
26 and county departments of HUMAN OR social services, that may adversely
27 affect the health, safety, welfare, or rights of the PACE participant. The

1 policies and procedures established pursuant to this subsection (1)(a)
2 must ensure that, while upholding the participant-directed nature of an
3 ombudsman's advocacy, the actions of the state PACE ombudsman or
4 local PACE ombudsmen are consistent with a PACE organization's duties
5 and responsibilities under federal law.

6 **SECTION 134.** In Colorado Revised Statutes, 26-1-129, **amend**
7 (2)(b) as follows:

8 **26-1-129. Comprehensive information - packet of aged**
9 **services and programs - implementation.** (2) (b) The state department
10 shall supervise the compilation of an information packet containing
11 information on the said programs and services, their eligibility
12 requirements, mode of delivery, and application forms, and shall make a
13 single copy of the compiled information available to specified local
14 agencies serving the aged, including the county departments of HUMAN
15 OR social services and the area agencies on aging.

16 **SECTION 135.** In Colorado Revised Statutes, 26-13-102.5,
17 **amend** the introductory portion and (1) as follows:

18 **26-13-102.5. Definitions.** As used in this ~~article~~ ARTICLE 13,
19 unless the context otherwise requires:

20 (1) "Delegate child support enforcement unit" means the unit of
21 a county department of HUMAN OR social services or its contractual agent
22 ~~which~~ THAT is responsible for carrying out the provisions of this ~~article~~
23 ARTICLE 13. The term contractual agent ~~shall include~~ INCLUDES a private
24 child support collection agency, operating as an independent contractor
25 with a county department of HUMAN OR social services, that contracts to
26 provide any services that the delegate child support enforcement unit is
27 required by law to provide.

1 **SECTION 136.** In Colorado Revised Statutes, 26-13-108, **amend**
2 (1) as follows:

3 **26-13-108. Recovery of public assistance paid for child**
4 **support and maintenance - interest collected on support obligations**
5 **- designation in annual general appropriations act.** (1) Whenever the
6 state department, a county department or its authorized agent, or a district
7 attorney recovers any amounts of support for public assistance recipients,
8 such amounts shall be deposited in the county social services fund, and,
9 if such support is used to reimburse public assistance paid in accordance
10 with federal law, the federal government ~~shall be~~ IS entitled to a share in
11 accordance with applicable federal law, the county ~~shall be~~ IS entitled to
12 a share in accordance with state law, and the state ~~shall be~~ IS entitled to
13 the remaining share. The state may redirect all or a portion of the state's
14 share to the county pursuant to section 26-13-112.5. The general assembly
15 shall designate in a footnote in the annual general appropriations act the
16 portion of the state's share that is redirected to the counties. Costs and
17 expenses reasonably and necessarily incurred by the office of district or
18 county attorney, as contractual agent for a county department, in carrying
19 out the provisions of this ~~article shall~~ ARTICLE 13 MUST be billed to
20 county departments of HUMAN OR social services or a county department
21 of HUMAN OR social services within the judicial district for the actual cost
22 of services provided. Each county shall make an annual accounting to the
23 state department on all amounts recovered.

24 **SECTION 137.** In Colorado Revised Statutes, 26-13.5-102,
25 **amend** the introductory portion and (7) as follows:

26 **26-13.5-102. Definitions.** As used in this ~~article~~ ARTICLE 13.5,
27 unless the context otherwise requires:

1 (7) "Delegate child support enforcement unit" means the unit of
2 a county department of HUMAN OR social services or its contractual agent
3 ~~which~~ THAT is responsible for carrying out the provisions of article 13 of
4 this ~~title~~ TITLE 26. The term contractual agent ~~shall include~~ INCLUDES a
5 private child support collection agency, operating as an independent
6 contractor with a county department of HUMAN OR social services, or a
7 district attorney's office, that contracts to provide any services that the
8 delegate child support enforcement unit is required by law to provide.

9 **SECTION 138.** In Colorado Revised Statutes, 26-20-102, **amend**
10 (1)(b)(IV) as follows:

11 **26-20-102. Definitions.** As used in this article 20, unless the
12 context otherwise requires:

13 (1) (b) "Agency" does not include:

14 (IV) Any county department of HUMAN OR social services when
15 engaged in performance of duties pursuant to part 3 of article 3 of title 19.
16 ~~C.R.S.~~

17 **SECTION 139.** In Colorado Revised Statutes, 27-67-103, **amend**
18 (4) as follows:

19 **27-67-103. Definitions.** As used in this article 67, unless the
20 context otherwise requires:

21 (4) "County department" means the county or district department
22 of HUMAN OR social services.

23 **SECTION 140.** In Colorado Revised Statutes, 27-80-101, **amend**
24 (5) as follows:

25 **27-80-101. Definitions.** As used in this article 80, unless the
26 context otherwise requires:

27 (5) "Public program" means a program concerning the problems

1 of alcohol or drug abuse sponsored by a county, district, or municipal
2 public health agency, county department of HUMAN OR social services,
3 court, probation department, law enforcement agency, school, school
4 system, board of cooperative services, Indian tribal reservation, or state
5 agency. "Public program" includes any alcohol or drug abuse treatment
6 program required as a condition of probation under part 2 of article 11 of
7 title 16, any alcohol or drug abuse program administered by the division
8 of adult parole under article 2 of title 17, any community correctional
9 facility or program administered under article 27 of title 17, and any
10 alcohol or drug abuse treatment program administered by the division of
11 youth services under title 19.

12 **SECTION 141.** In Colorado Revised Statutes, 28-3-1704, **amend**
13 (3) introductory portion and (3)(b) as follows:

14 **28-3-1704. Youth challenge corps program - authority - youth**
15 **challenge corps program fund - creation.** (3) The program ~~shall~~ MUST
16 comply with any applicable state licensing requirements and ~~shall~~ MUST
17 establish a collaborative partnership composed of a representative from,
18 at a minimum, the following:

19 (b) A DIRECTOR OF A county department of human OR SOCIAL
20 services; ~~director~~;

21 **SECTION 142.** In Colorado Revised Statutes, 42-2-108, **amend**
22 (1)(a) and (1)(b)(I) as follows:

23 **42-2-108. Application of minors.** (1) (a) The application of any
24 person under eighteen years of age for an instruction permit or minor
25 driver's license ~~shall~~ MUST be accompanied by an affidavit of liability
26 signed and verified by the parent, stepparent, grandparent with power of
27 attorney, guardian, spouse of the applicant if the spouse is eighteen years

1 of age or older, or, in the event there is no such person, guardian, or
2 spouse, any other responsible adult who is willing to assume the
3 obligation imposed under this article 2 upon an adult signing the affidavit
4 of liability for a minor. When an applicant has been made a ward of any
5 court in the state for any reason and has been placed in a foster home, the
6 foster parents or parent may sign the affidavit of liability for the minor.
7 If the parent or foster parent is unwilling or unable to sign the affidavit of
8 liability, a guardian ad litem, a designated official of the county
9 department of HUMAN OR social services having custody of the applicant,
10 or a designated official of the division of youth services in the STATE
11 department of human services having custody of the applicant may sign
12 the application for an instruction permit without signing the affidavit of
13 liability for the minor if the requirements of subsection (1)(b) of this
14 section are met; except that, prior to signing the application for an
15 instruction permit, the guardian ad litem or other designated official shall
16 notify the court of his or her intent to sign the application, and except that,
17 the guardian ad litem or designated official shall not sign the application
18 for an instruction permit for a minor who is placed in a foster care home
19 and is under seventeen and one-half years of age without first obtaining
20 the consent of the foster parent. If the minor is seventeen and one-half
21 years of age or older and is in the care of a foster parent, in order to
22 prepare the minor for emancipation from foster care and to assist the
23 minor in obtaining important life skills, the guardian ad litem or
24 designated official shall consult with the foster parent of the minor about
25 the opportunity for the minor to learn driving skills under the restrictions
26 provided in subsection (1)(b) of this section prior to signing an
27 application for an instruction permit. The guardian ad litem or designated

1 official shall solicit the opinion of the minor's foster parent concerning
2 the minor's ability to exercise good judgment and make decisions as well
3 as the minor's overall capacity to drive. When a minor to whom an
4 instruction permit or minor driver's license has been issued is required to
5 appear before the department for a hearing pursuant to any provision of
6 this article 2, the minor must be accompanied by the person who signed
7 the affidavit of liability for the minor or by the guardian ad litem or
8 designated official who signed the application for an instruction permit
9 for the minor. If the person who signed the minor's affidavit of liability
10 or application for an instruction permit is unable to attend the hearing, he
11 or she shall submit to the department a verified signed statement
12 certifying under oath that he or she is aware of the purpose of the hearing
13 but cannot attend.

14 (b) The department shall issue an instruction permit to an
15 applicant under the age of eighteen years who is otherwise eligible to
16 obtain an instruction permit and who has been made a ward of the court
17 and who is in out-of-home placement without the requirement of a parent,
18 guardian, stepparent, or foster parent signing an affidavit of liability if the
19 following requirements are met:

20 (I) The guardian ad litem, a designated official of the county
21 department of HUMAN OR social services having custody of ~~such~~ THE
22 applicant, or a designated official of the division of youth services in the
23 STATE department of human services having custody of ~~such~~ THE
24 applicant signs the application for an instruction permit;

25 **SECTION 143.** In Colorado Revised Statutes, 42-2-306, **amend**
26 (1)(a)(III.5)(B) as follows:

27 **42-2-306. Fees - disposition.** (1) The department shall charge

1 and collect the following fees:

2 (a) (III.5) The department shall not charge a fee to an applicant
3 who is:

4 (B) Referred by a county department of HUMAN OR social services
5 pursuant to section 25.5-4-205 (3), 26-2-106 (3), or 26-5-101 (3)(o);
6 ~~C.R.S.~~; or

7 **SECTION 144. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.

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MEMORANDUM (2)(b)¹

TO: Statutory Revision Committee

FROM: Jane M. Ritter, Office of Legislative Legal Services

DATE: November 9, 2017

SUBJECT: Follow-up to S.B. 17-242

Summary and Analysis

In 2017, the General Assembly enacted S.B. 17-242, which was a lengthy bill to modernize terminology in the Colorado Revised Statutes related to behavioral health issues, including mental illness and addiction. "Person first" language was used, as well as the most currently accepted way of referencing certain disorders.

For instance, S.B. 17-242 updated terms such as "a person with a mental illness" and "the mentally ill," as appropriate given the usage, to "a person with a mental health disorder" or "mental health disorders." S.B. 17-242 also updated terms such as "addict," "drunkard," and "alcoholic," as appropriate given the usage, to "a person with an alcohol use disorder" or "a person with a substance use disorder." Collectively, when appropriate given the usage, the terminology became "a person with a behavioral health disorder" or "behavioral health disorders."

S.B. 17-242 was lengthy (240 pages at introduction), and several places in statute that needed to be updated were missed. Additionally, other legislation passed during the

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

2017 session that did not conform to the language used in S.B. 17-242. Therefore, a follow-up and clean-up bill to S.B. 17-242 is necessary to make the language in the statutes conform in this area.

Statutory Charge²

Updating and modernizing outdated references to "the mentally ill," "drunkard," "alcoholic," "addict," and related terms, as was done through S.B. 17-242, enacted in 2017, meets the Statutory Revision Committee's statutory charge to modernize outdated language and to bring the law of this state into harmony with modern conditions.

Proposed Bill

The attached bill draft (See **Addendum A**) makes the necessary changes to modernize outdated statutory references to "the mentally ill," "drunkard," "alcoholic," "addict," and related terms, as was done through S.B. 17-242, enacted in 2017.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

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LLS NO. 18-######_ Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING MODERNIZING TERMINOLOGY IN THE COLORADO**
102 **REVISED STATUTES RELATED TO BEHAVIORAL HEALTH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill is a follow-up and clean-up to Senate Bill 17-242, which updated and modernized terminology in the Colorado Revised Statutes related to behavioral health, including mental health disorders, alcohol use disorders, and substance use disorders.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of House Bill/Senate Bill 18-____, enacted in
4 2018, is to effect a nonsubstantive change in statute to modernize the
5 outdated use of the terms related to behavioral health, mental health,
6 alcohol abuse, and substance abuse. The general assembly further
7 declares that these terminology changes do not in any way alter the scope
8 or applicability of the statutory sections in which the terminology appears.

9 **SECTION 2.** In Colorado Revised Statutes, 8-73-108, **amend** (4)
10 introductory portion, (4)(b)(IV) introductory portion, (4)(b)(IV)(A),
11 (4)(b)(IV)(B), (4)(b)(V), (5)(e) introductory portion, and (5)(e)(XXIV) as
12 follows:

13 **8-73-108. Benefit awards - repeal.** (4) **Full award.** An
14 individual separated from a job ~~shall~~ MUST be given a full award of
15 benefits if THE DIVISION DETERMINES THAT any of the following reasons
16 and pertinent RELATED conditions ~~related thereto are determined by the~~
17 ~~division to have existed~~ EXIST. The determination of whether or not the
18 separation from employment ~~shall~~ MUST result in a full award of benefits
19 ~~shall be~~ IS the responsibility of the division. The following reasons ~~shall~~
20 MUST be considered, along with any other factors that may be pertinent
21 to such determination:

22 (b) (IV) The off-the-job or on-the-job use of not medically
23 prescribed intoxicating beverages or controlled substances, as defined in
24 section 18-18-102 (5), ~~C.R.S.~~, may be reason for a determination for a
25 full award pursuant to this ~~paragraph (b)~~ SUBSECTION (4)(b), but only if:

26 (A) The worker has declared to the division that he or she is

1 ~~addicted to intoxicating beverages or controlled substances~~ HAS AN
2 ALCOHOL OR SUBSTANCE USE DISORDER;

3 (B) The worker has substantiated the ~~addiction~~ ALCOHOL OR
4 SUBSTANCE USE DISORDER by a competent written medical statement
5 issued by a physician licensed to practice medicine pursuant to article 36
6 of title 12, ~~C.R.S.~~, or by a licensed physician assistant authorized under
7 section 12-36-106 (5), ~~C.R.S.~~, or has substantiated the successful
8 completion of, or ongoing participation in, a treatment program as
9 described in ~~sub-subparagraph (C) of this subparagraph (IV)~~ SUBSECTION
10 (4)(b)(IV)(C) OF THIS SECTION within four weeks after the claimant's
11 admission. ~~Such~~ THE substantiation ~~shall~~ MUST be in writing to the
12 division and signed by an authorized representative of the approved
13 treatment program.

14 (V) A potentially chargeable employer may notify the division
15 concerning the failure of the worker to participate in or complete an
16 approved program of corrective action to deal with the ~~addiction~~
17 ALCOHOL OR SUBSTANCE USE DISORDER within fifteen calendar days after
18 the date on which he OR SHE discovers ~~such a condition to exist~~ THE
19 EXISTENCE OF SUCH A DISORDER. The worker ~~shall~~ MUST be given an
20 opportunity to respond to the employer's allegations. The division, upon
21 review of additional information, may modify a prior decision pursuant
22 to ~~subparagraph (XXIV) of paragraph (c) of subsection (5)~~ SUBSECTION
23 (5)(e)(XXIV) of this section.

24 (5) **Disqualification.** (e) Subject to the maximum reduction
25 consistent with federal law, and insofar as consistent with interstate
26 agreements, if a separation from employment occurs for any of the
27 following reasons, the employer from whom such separation occurred

1 ~~shall~~ MUST not be charged for benefits which are attributable to such
2 employment and, because any payment of benefits which are attributable
3 to such employment out of the fund as defined in section 8-70-103 (13)
4 ~~shall be~~ IS deemed to have an adverse effect on ~~such~~ THE employer's
5 account in such fund, ~~no~~ A payment of such benefits ~~shall~~ MUST NOT be
6 made from such fund:

7 (XXIV) Failure to participate in or failure to complete an
8 approved program of corrective action to deal with an ~~addiction~~ ALCOHOL
9 OR SUBSTANCE USE DISORDER pursuant to ~~subparagraph (IV) of paragraph~~
10 ~~(b) of subsection (4)~~ SUBSECTION (4)(b)(IV) of this section. The
11 determination of whether or not an individual has failed to participate in
12 or complete an approved program of corrective action to deal with an
13 ~~addiction shall be~~ ALCOHOL OR SUBSTANCE USE DISORDER IS the
14 responsibility of the division. In making such a decision, the division may
15 consider extenuating circumstances for the individual's failure to
16 participate in or complete the approved program of corrective action
17 which would justify a decision not to disqualify the individual from
18 receiving benefits, but only if the individual presents a program of
19 corrective action in accordance with ~~sub-subparagraph (C) of~~
20 ~~subparagraph (IV) of paragraph (b) of subsection (4)~~ SUBSECTION
21 (4)(b)(IV)(C) of this section. The only extenuating circumstances which
22 may be considered by the division ~~shall be~~ IS whether the individual
23 suffered an illness not related to the ~~addiction~~ ALCOHOL OR SUBSTANCE
24 USE DISORDER or received incapacitating injuries in an accident or
25 whether the death of an immediate family member of the individual
26 occurred which contributed to the failure of the individual to participate
27 in or complete the program of corrective action. The burden of proof that

1 an extenuating circumstance existed lies with the claimant.

2 **SECTION 3.** In Colorado Revised Statutes, 10-16-102, **amend**
3 (37)(b) as follows:

4 **10-16-102. Definitions.** As used in this article 16, unless the
5 context otherwise requires:

6 (37) "Health-status-related factor" means any of the following
7 factors:

8 (b) Medical condition, including both physical ILLNESSES and
9 mental ~~illnesses~~ HEALTH DISORDERS;

10 **SECTION 4.** In Colorado Revised Statutes, 12-10-107.1, **amend**
11 (1)(d) as follows:

12 **12-10-107.1. Grounds for discipline.** (1) The director may deny,
13 suspend, revoke, place on probation, or issue a letter of admonition
14 against a license or an application for a license if the applicant or
15 licensee:

16 (d) Has an alcohol use disorder, as defined in section 27-81-102,
17 or a substance use disorder, as defined in section 27-82-102, or is an
18 excessive or a habitual user or abuser of alcohol or habit-forming drugs
19 or is a habitual user of a controlled substance, as defined in section
20 18-18-102 (5), if the use, ~~addiction~~ DISORDER, or dependency is a danger
21 to other licensees;

22 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-201, **amend**
23 (1) as follows:

24 **12-42.5-201. Legislative declaration.** (1) The general assembly
25 ~~hereby~~ finds, determines, and declares that the creation of a pharmacy
26 peer health assistance diversion program for those persons subject to the
27 jurisdiction of the board will serve to safeguard the life, health, property,

1 and public welfare of the people of this state. A pharmacy peer health
2 assistance diversion program will help practitioners experiencing
3 impaired practice due to psychiatric, psychological, or emotional
4 problems; ~~or~~ excessive alcohol or drug use; or ~~addiction~~ ALCOHOL OR
5 SUBSTANCE USE DISORDERS. The general assembly further declares that
6 a pharmacy peer health assistance diversion program will protect the
7 privacy and welfare of those persons who provide services and at the
8 same time assist the board in carrying out its duties and responsibilities
9 to ensure that only qualified persons are allowed to engage in providing
10 those services that are under the jurisdiction of the board.

11 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-202, **amend**
12 (1) and (3) as follows:

13 **12-42.5-202. Definitions.** As used in this part 2, unless the
14 context otherwise requires:

15 (1) "Impaired practice" means a licensee's inability to meet the
16 requirements of the laws of this state and the rules of the board governing
17 his or her practice when the licensee's cognitive, interpersonal, or
18 psychomotor skills are affected by psychiatric, psychological, or
19 emotional problems; ~~or~~ excessive alcohol or drug use; or ~~addiction~~
20 ALCOHOL OR SUBSTANCE USE DISORDERS.

21 (3) "Peer health assistance organization" means an organization
22 that provides a formal, structured program that meets the requirements
23 specified in this part 2 and is administered by appropriate professionals
24 for the purpose of assisting licensees experiencing impaired practice to
25 obtain evaluation, treatment, short-term counseling, monitoring of
26 progress, and ongoing support for the purpose of arresting and treating
27 the licensee's psychiatric, psychological, or emotional problems; ~~or~~

1 excessive alcohol or drug use; or ~~addiction~~ ALCOHOL OR SUBSTANCE USE
2 DISORDERS.

3 **SECTION 7.** In Colorado Revised Statutes, 12-43-803, **amend**
4 (2)(a) and (2)(b) as follows:

5 **12-43-803. Practice of addiction counseling defined - scope of**
6 **practice.** (2) The scope of practice of addiction counseling focuses on
7 the following four trans-disciplinary foundations that underlie the work
8 of all addiction counselors:

9 (a) **Understanding addiction:** Includes knowledge of models and
10 theories of addiction, INCLUDING ALCOHOL AND SUBSTANCE USE
11 DISORDERS; recognition of social, political, economic, and cultural
12 contexts within which addiction exists; understanding the behavioral,
13 psychological, physical health, and social effects of using addictive
14 substances or engaging in addictive behaviors; and recognizing and
15 understanding co-occurring disorders.

16 (b) **Treatment knowledge:** Includes the philosophies, practices,
17 policies, and outcomes of the most generally accepted and scientifically
18 supported models, along with research and outcome data, of treatment,
19 recovery, relapse prevention, and continuing care for addictive disorders,
20 INCLUDING ALCOHOL AND SUBSTANCE USE DISORDERS. Treatment
21 knowledge includes the ability to work effectively with families,
22 significant others, social networks, and community systems in the
23 treatment process and understanding the value of a multidisciplinary
24 approach to ~~addiction~~ treatment OF ADDICTIVE DISORDERS, INCLUDING
25 ALCOHOL AND SUBSTANCE USE DISORDERS.

26 **SECTION 8.** In Colorado Revised Statutes, 13-5-142, **amend**
27 (1)(c) and (3)(b)(III) as follows:

1 **13-5-142. National instant criminal background check system**

2 **- reporting.** (1) On and after March 20, 2013, the state court
3 administrator shall send electronically the following information to the
4 Colorado bureau of investigation created pursuant to section 24-33.5-401,
5 referred to in this section as the "bureau":

6 (c) The name of each person with respect to whom the court has
7 entered an order for involuntary certification for short-term treatment of
8 ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
9 27-65-107, ~~C.R.S.~~, for extended certification for treatment of ~~mental~~
10 ~~illness~~ A MENTAL HEALTH DISORDER pursuant to section 27-65-108,
11 ~~C.R.S.~~, or for long-term care and treatment of ~~mental illness~~ A MENTAL
12 HEALTH DISORDER pursuant to section 27-65-109. ~~C.R.S.~~

13 (3) The state court administrator shall take all necessary steps to
14 cancel a record made by the state court administrator in the national
15 instant criminal background check system if:

16 (b) No less than three years before the date of the written request:

17 (III) The record in the case was sealed pursuant to section
18 27-65-107 (7), ~~C.R.S.~~, or the court entered an order discharging the
19 person from commitment in the nature of habeas corpus pursuant to
20 section 27-65-113, ~~C.R.S.~~, if the record in the national instant criminal
21 background check system is based on a court order for involuntary
22 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
23 DISORDER.

24 **SECTION 9.** In Colorado Revised Statutes, 13-5-142.5, **amend**
25 (2)(a)(III) as follows:

26 **13-5-142.5. National instant criminal background check**
27 **system - judicial process for awarding relief from federal**

1 **prohibitions - legislative declaration. (2) Eligibility.** A person may
2 petition for relief pursuant to this section if:

3 (a) (III) The court has entered an order for the person's involuntary
4 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
5 DISORDER pursuant to section 27-65-107, ~~C.R.S.~~, for extended
6 certification for treatment of ~~mental illness~~ A MENTAL HEALTH DISORDER
7 pursuant to section 27-65-108, ~~C.R.S.~~, or for long-term care and treatment
8 of ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
9 27-65-109; ~~C.R.S.~~; and

10 **SECTION 10.** In Colorado Revised Statutes, 13-9-123, **amend**
11 (1)(c) and (3)(b)(III) as follows:

12 **13-9-123. National instant criminal background check system**
13 **- reporting.** (1) On and after March 20, 2013, the state court
14 administrator shall send electronically the following information to the
15 Colorado bureau of investigation created pursuant to section 24-33.5-401,
16 referred to in this section as the "bureau":

17 (c) The name of each person with respect to whom the court has
18 entered an order for involuntary certification for short-term treatment of
19 ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
20 27-65-107, ~~C.R.S.~~, for extended certification for treatment of ~~mental~~
21 ~~illness~~ A MENTAL HEALTH DISORDER pursuant to section 27-65-108,
22 ~~C.R.S.~~, or for long-term care and treatment of ~~mental illness~~ A MENTAL
23 HEALTH DISORDER pursuant to section 27-65-109. ~~C.R.S.~~

24 (3) The state court administrator shall take all necessary steps to
25 cancel a record made by the state court administrator in the national
26 instant criminal background check system if:

27 (b) No less than three years before the date of the written request:

28 (III) The record in the case was sealed pursuant to section

1 27-65-107 (7), ~~C.R.S.~~, or the court entered an order discharging the
2 person from commitment in the nature of habeas corpus pursuant to
3 section 27-65-113, ~~C.R.S.~~, if the record in the national instant criminal
4 background check system is based on a court order for involuntary
5 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
6 DISORDER.

7 **SECTION 11.** In Colorado Revised Statutes, 13-9-124, **amend**
8 (2)(a)(III) as follows:

9 **13-9-124. National instant criminal background check system**
10 **- judicial process for awarding relief from federal prohibitions -**
11 **legislative declaration. (2) Eligibility.** A person may petition for relief
12 pursuant to this section if:

13 (a) (III) The court has entered an order for the person's involuntary
14 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
15 DISORDER pursuant to section 27-65-107, ~~C.R.S.~~, for extended
16 certification for treatment of ~~mental illness~~ A MENTAL HEALTH DISORDER
17 pursuant to section 27-65-108, ~~C.R.S.~~, or for long-term care and treatment
18 of ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
19 27-65-109; ~~C.R.S.~~; and

20 **SECTION 12.** In Colorado Revised Statutes, **amend** 13-21-103
21 as follows:

22 **13-21-103. Damages for selling liquor to an intoxicated person.**

23 Every husband, wife, child, parent, guardian, employer, or other person
24 who is injured in person, or property, or means of support by any
25 intoxicated person, or in consequence of the intoxication of any person,
26 has a right of action, in his name, against any person who, by selling or
27 giving away intoxicating liquors to any ~~habitual drunkard~~ HABITUALLY
28 INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE DISORDER,

1 causes the intoxication, in whole or in part, of such ~~habitual drunkard~~
2 HABITUALLY INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE
3 DISORDER; and all damages recovered by a minor ~~under~~ PURSUANT TO this
4 section ~~shall~~ MUST be paid either to the minor or to his OR HER parent,
5 guardian, or next friend, as the court directs. The unlawful sale or giving
6 away of intoxicating liquors works a forfeiture of all rights of the lessee
7 or tenant under any lease or contract of rent upon the premises. No
8 Liability ~~shall~~ MUST NOT accrue against any such person as provided
9 unless the husband, wife, child, parent, guardian, or employer first, by
10 written or printed notice, has notified such person, or his OR HER agents
11 or employees, not to sell or give away any intoxicating liquors to any
12 ~~habitual drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON WITH AN
13 ALCOHOL USE DISORDER.

14 **SECTION 13.** In Colorado Revised Statutes, 13-21-117, **amend**
15 (3) as follows:

16 **13-21-117. Civil liability - mental health providers - duty to**
17 **warn - definitions.** (3) The provisions of this section do not apply to the
18 negligent release of a patient from any mental health hospital or ward or
19 to the negligent failure to initiate involuntary seventy-two-hour treatment
20 and evaluation after a personal patient evaluation determining that the
21 person appears to have a mental ~~illness~~ HEALTH DISORDER and, as a result
22 of the mental ~~illness~~ HEALTH DISORDER, appears to be an imminent danger
23 to others.

24 **SECTION 14.** In Colorado Revised Statutes, 16-5-402, **amend**
25 (2) introductory portion and (2)(c) as follows:

26 **16-5-402. Limitation for collateral attack upon trial judgment.**
27 (2) In recognition of the difficulties attending the litigation of stale
28 claims and the potential for frustrating various statutory provisions

1 directed at repeat offenders, former offenders, and habitual offenders, the
2 only exceptions to the time limitations specified in subsection (1) of this
3 section ~~shall be~~ ARE:

4 (c) Where the court hearing the collateral attack finds by a
5 preponderance of the evidence that the failure to seek relief within the
6 applicable time period was caused by an adjudication of incompetence or
7 by commitment of the defendant or juvenile to an institution for treatment
8 as a person with a mental ~~illness~~ HEALTH DISORDER; or

9 **SECTION 15.** In Colorado Revised Statutes, 17-1-113.9, **amend**
10 (1) as follows:

11 **17-1-113.9. Use of administrative segregation for state inmates**
12 **- reporting.** (1) Notwithstanding section 24-1-136 (11)(a)(I), on or
13 before January 1, 2012, and each January 1 thereafter, the executive
14 director shall provide a written report to the judiciary committees of the
15 senate and house of representatives, or any successor committees,
16 concerning the status of administrative segregation; reclassification
17 efforts for offenders with mental ~~illnesses or~~ HEALTH DISORDERS OR
18 INTELLECTUAL AND developmental disabilities, including duration of stay,
19 reason for placement, and number and percentage discharged; and any
20 internal reform efforts since July 1, 2011.

21 **SECTION 16.** In Colorado Revised Statutes, 17-2-103, **amend**
22 (11)(c)(I) and (11)(c)(II)(A) as follows:

23 **17-2-103. Arrest of parolee - revocation proceedings.**
24 (11) (c) If the board determines that the parolee is in need of treatment
25 and is amenable to treatment, the board shall consider placing the parolee
26 in one of the following treatment options and, if appropriate, may modify
27 the conditions of parole to include:

28 (I) Participation in an outpatient program for the treatment of

1 substance abuse OR SUBSTANCE USE DISORDERS, ~~mental illness~~ HEALTH
2 DISORDERS, or OTHER co-occurring OR BEHAVIORAL HEALTH disorders; or

3 (II) (A) Placement in a residential treatment program for the
4 treatment of substance abuse, SUBSTANCE USE DISORDERS, ~~mental illness~~
5 HEALTH DISORDERS, or OTHER co-occurring OR BEHAVIORAL HEALTH
6 disorders, which program is under contract with the department of public
7 safety and may include, but need not be limited to, intensive residential
8 treatment, therapeutic community, and mental health programs.

9 **SECTION 17.** In Colorado Revised Statutes, 17-27.1-101,
10 **amend** (2)(d) as follows:

11 **17-27.1-101. Nongovernmental facilities for offenders -**
12 **registration - notifications - penalties - definitions.** (2) As used in this
13 section, unless the context otherwise requires:

14 (d) "Private treatment program" means any residential or
15 nonresidential program that provides services, treatment, rehabilitation,
16 education, or criminal history-related treatment for supervised or
17 unsupervised persons but does not include a private contract prison
18 facility, a prison facility operated by a political subdivision of the state,
19 a facility providing treatment for persons with ~~mental illness~~ HEALTH
20 DISORDERS or INTELLECTUAL AND developmental disabilities, or a
21 community corrections program established pursuant to article 27 of this
22 ~~title~~ TITLE 17.

23 **SECTION 18.** In Colorado Revised Statutes, 17-27.7-103,
24 **amend** (1) as follows:

25 **17-27.7-103. Regimented inmate training program - eligibility**
26 **of offenders.** (1) The executive director may assign an inmate to a
27 regimented inmate training program pursuant to section 17-40-102 (2).
28 The executive director shall assign to a regimented inmate training

1 program only those inmates who are nonviolent offenders thirty years of
2 age or younger who are not serving a sentence, and have not served a
3 previous sentence, in a correctional facility for an unlawful sexual
4 behavior offense described in section 16-22-102 (9), a crime of violence
5 described in section 18-1.3-406, an assault offense described in part 2 of
6 article 3 of title 18, or a child abuse offense described in part 4 of article
7 6 of title 18, or who are not presently serving a sentence for a nonviolent
8 offense that was reduced from an unlawful sexual behavior offense
9 described in section 16-22-102 (9), a crime of violence described in
10 section 18-1.3-406, an assault offense described in part 2 of article 3 of
11 title 18, or a child abuse offense described in part 4 of article 6 of title 18,
12 as a result of a plea agreement or who are not aliens subject to a removal
13 order. Any offender assigned to the program ~~shall~~ MUST be free of any
14 physical or mental disability that could jeopardize his or her ability to
15 complete the program. The department may eliminate any offender from
16 the program upon a determination by the department that a physical
17 disability or a mental ~~illness~~ HEALTH DISORDER will prevent full
18 participation in the program by the offender. The department is absolved
19 of liability for participation in the program.

20 **SECTION 19.** In Colorado Revised Statutes, 18-12-202, **amend**
21 (3)(a) and (3)(b)(I) as follows:

22 **18-12-202. Definitions.** As used in this part 2, unless the context
23 otherwise requires:

24 (3) "Chronically and habitually uses alcoholic beverages to the
25 extent that the applicant's normal faculties are impaired" means:

26 (a) The applicant has at any time been committed as ~~an alcoholic~~
27 A PERSON WITH AN ALCOHOL USE DISORDER pursuant to section 27-81-111
28 or 27-81-112; ~~C.R.S.~~; or

1 (b) Within the ten-year period immediately preceding the date on
2 which the permit application is submitted, the applicant:

3 (I) Has been committed as ~~an alcoholic~~ A PERSON WITH AN
4 ALCOHOL USE DISORDER pursuant to section 27-81-109 or 27-81-110;
5 ~~C.R.S.~~, or

6 **SECTION 20.** In Colorado Revised Statutes, 24-34-501, **amend**
7 (1.3)(b)(I) as follows:

8 **24-34-501. Definitions.** As used in this part 5, unless the context
9 otherwise requires:

10 (1.3) (b) (I) On and after July 1, 1990, as to this part 5, "disability"
11 also includes a person who has a mental impairment, but the term does
12 not include any person currently involved in the illegal use of ~~or addiction~~
13 ~~to~~ a controlled substance OR A SUBSTANCE USE DISORDER WITH RESPECT
14 TO A CONTROLLED SUBSTANCE.

15 **SECTION 21.** In Colorado Revised Statutes, 25-1-801, **amend**
16 (1)(d) as follows:

17 **25-1-801. Patient records in custody of health care facility -**
18 **definitions.** (1) (d) Nothing in this section requires a person responsible
19 for the diagnosis or treatment of sexually transmitted infections, ~~or~~
20 ~~addiction to~~ A SUBSTANCE USE DISORDER, or THE use of drugs in the case
21 of minors pursuant to sections 13-22-102 ~~C.R.S.~~, and 25-4-409 to release
22 patient records of such diagnosis or treatment to a parent, guardian, or
23 person other than the minor or his or her designated representative.

24 **SECTION 22.** In Colorado Revised Statutes, 25-1-802, **amend**
25 (2) as follows:

26 **25-1-802. Patient records in custody of individual health care**
27 **providers.** (2) Nothing in this section requires a person responsible for
28 the diagnosis or treatment of sexually transmitted infections, ~~or addiction~~

1 ~~to~~ SUBSTANCE USE DISORDERS, or THE use of drugs in the case of minors
2 pursuant to sections 13-22-102 ~~C.R.S.~~, and 25-4-409 to release patient
3 records of such diagnosis or treatment to a parent, guardian, or person
4 other than the minor or his or her designated representative.

5 **SECTION 23.** In Colorado Revised Statutes, 25-3.5-804, **amend**
6 (3)(a) as follows:

7 **25-3.5-804. Tobacco education, prevention, and cessation**
8 **programs - review committee - grants.** (3) (a) The division shall
9 review the applications received pursuant to this part 8 and make
10 recommendations to the state board regarding those entities that may
11 receive grants and the amounts of said grants. On and after October 1,
12 2005, the review committee shall review the applications received
13 pursuant to this part 8 and submit to the state board and the director of the
14 department recommended grant recipients, grant amounts, and the
15 duration of each grant. Within thirty days after receiving the review
16 committee's recommendations, the director shall submit his or her
17 recommendations to the state board. The review committee's
18 recommendations regarding grantees of the Tony Grampsas youth
19 services program, section 26-6.8-102, pursuant to section 25-3.5-805 (5)
20 shall be submitted to the state board and the Tony Grampsas youth
21 services board. Within thirty days after receiving the review committee's
22 recommendations, the Tony Grampsas youth services board shall submit
23 its recommendations to the state board. The state board has the final
24 authority to approve the grants under this part 8. If the state board
25 disapproves a recommendation for a grant recipient, the review
26 committee may submit a replacement recommendation within thirty days.
27 In reviewing grant applications for programs to provide tobacco
28 education, prevention, and cessation programs for persons with

1 behavioral or mental health disorders, the division or the review
2 committee shall consult with the programs for public psychiatry at the
3 university of Colorado health sciences center, the national alliance for the
4 ~~mentally ill~~ ON MENTAL ILLNESS, the mental health association of
5 Colorado, and the department of human services.

6 **SECTION 24.** In Colorado Revised Statutes, 25-49-102, **amend**
7 (6)(a)(II) as follows:

8 **25-49-102. Definitions.** [*Editor's note: This section is effective*
9 *January 1, 2018.*] As used in this article 49, unless the context otherwise
10 requires:

11 (6) (a) "Health care services" or "services" means services
12 included in, or incidental to, furnishing to an individual:

13 (II) Other services for the purpose of preventing, alleviating,
14 curing, or healing a physical ~~or mental illness or~~ ILLNESS, AN injury, OR
15 A MENTAL HEALTH DISORDER.

16 **SECTION 25.** In Colorado Revised Statutes, 25.5-5-202, **amend**
17 (1)(c) introductory portion and (1)(c)(IV) as follows:

18 **25.5-5-202. Basic services for the categorically needy - optional**
19 **services.** (1) Subject to the provisions of subsection (2) of this section,
20 the following are services for which federal financial participation is
21 available and that Colorado has selected to provide as optional services
22 under the medical assistance program:

23 (c) Home- and community-based services, as specified in article
24 6 of this ~~title~~ TITLE 25.5, which include:

25 (IV) Home- and community-based services for persons with major
26 mental ~~illnesses~~ HEALTH DISORDERS, as specified in part 6 of article 6 of
27 this ~~title~~ TITLE 25.5;

28 **SECTION 26.** In Colorado Revised Statutes, 25.5-5-203, **amend**

1 (1)(e) as follows:

2 **25.5-5-203. Optional programs with special state provisions.**

3 (1) Subject to the provisions of subsection (2) of this section, this section
4 specifies programs developed by Colorado to increase federal financial
5 participation through selecting optional services or optional eligible
6 groups. These programs include but are not limited to:

7 (e) The home- and community-based services program for persons
8 with major mental ~~illnesses~~ HEALTH DISORDERS, as specified in part 6 of
9 article 6 of this ~~title~~ TITLE 25.5;

10 **SECTION 27.** In Colorado Revised Statutes, **amend** 25.5-6-601
11 as follows:

12 **25.5-6-601. Short title.** ~~This part 6 shall be known and may be~~
13 ~~cited as~~ THE SHORT TITLE OF THIS PART 6 IS the "Home- and
14 Community-based Services for Persons with Major Mental ~~Illnesses~~
15 HEALTH DISORDERS Act".

16 **SECTION 28.** In Colorado Revised Statutes, 25.5-6-602, **amend**
17 (1) as follows:

18 **25.5-6-602. Legislative declaration - no entitlement created.**

19 (1) The general assembly ~~hereby~~ finds and declares that the purpose of
20 this part 6 is to provide, under federal authorization and subject to
21 available appropriations, home- and community-based services for
22 persons with major mental ~~illnesses~~ HEALTH DISORDERS.

23 **SECTION 29.** In Colorado Revised Statutes, **amend** 25.5-6-604
24 as follows:

25 **25.5-6-604. Cost of services.** Home- and community-based
26 services for persons with major mental ~~illnesses~~ ~~shall~~ HEALTH DISORDERS
27 MUST meet aggregate federal waiver budget neutrality requirements.

28 **SECTION 30.** In Colorado Revised Statutes, **amend** 25.5-6-605

1 as follows:

2 **25.5-6-605. Relationship to single entry point for long-term**
3 **care.** The home- and community-based services program for persons with
4 major mental illnesses ~~shall~~ HEALTH DISORDERS MUST not be considered
5 a publicly funded long-term care program for the purposes of sections
6 25.5-6-105 to 25.5-6-107, concerning the single entry point system,
7 unless and until the departments of health care policy and financing and
8 human services provide in the memorandum of understanding between
9 the departments for the inclusion of the program in the single entry point
10 system.

11 **SECTION 31.** In Colorado Revised Statutes, 25.5-6-606, **amend**
12 (1) as follows:

13 **25.5-6-606. Implementation of program for persons with**
14 **mental health disorders authorized - federal waiver - duties of the**
15 **department of health care policy and financing and the department**
16 **of human services.** (1) The state department is hereby authorized to seek
17 any necessary waiver from the federal government to develop and
18 implement a home- and community-based services program for persons
19 with major mental illnesses HEALTH DISORDERS. The program ~~shall~~ MUST
20 be designed to provide home- and community-based services to eligible
21 persons. Eligibility may be limited to persons who meet the level of
22 services provided in a nursing facility, and services for eligible persons
23 may be established in state board rules to the extent such eligibility
24 criteria and services are authorized or required by federal waiver. The
25 program ~~shall~~ MUST include services provided under the
26 consumer-directed care service model, part 11 of this ~~article~~ ARTICLE 6.

27 **SECTION 32.** In Colorado Revised Statutes, 25.5-6-1201,
28 **amend** (2) as follows:

1 **25.5-6-1201. Legislative declaration.** (2) The general assembly
2 further finds that allowing clients more self-direction in their care is a
3 more effective way to deliver home- and community-based services to
4 clients with major mental ~~illnesses~~ HEALTH DISORDERS and brain injuries,
5 as well as to clients receiving home- and community-based supportive
6 living services and children's extensive support services. Therefore, the
7 general assembly declares that it is appropriate for the state department
8 to develop a plan for expanding the availability of in-home support
9 services to include these clients.

10 **SECTION 33.** In Colorado Revised Statutes, 26-2-111, **amend**
11 (4) introductory portion and (4)(f) as follows:

12 **26-2-111. Eligibility for public assistance - rules - repeal.**

13 (4) **Aid to the needy disabled.** Public assistance in the form of aid to the
14 needy disabled ~~shall~~ MUST be granted to any person who meets the
15 requirements of subsection (1) of this section and all of the following
16 requirements:

17 (f) A person who is disabled as a result of a primary diagnosis of
18 ~~alcoholism or a controlled substance addiction shall~~ AN ALCOHOL OR
19 SUBSTANCE USE DISORDER IS not be eligible for aid to the needy disabled
20 based upon that primary diagnosis if the person has received aid to the
21 needy disabled based upon such diagnosis for any cumulative
22 twelve-month period in the person's lifetime.

23 **SECTION 34.** In Colorado Revised Statutes, 26-3.1-111, **amend**
24 (7)(g) as follows:

25 **26-3.1-111. Access to CAPS - employment checks -**
26 **confidentiality - fees - rules - legislative declaration - definitions.**

27 (7) The following employers shall request a CAPS check pursuant to this
28 section:

1 (g) A facility operated by the state department for the care and
2 treatment of persons with mental ~~illness~~ HEALTH DISORDERS pursuant to
3 article 65 of title 27;

4 **SECTION 35.** In Colorado Revised Statutes, 27-65-121, **amend**
5 (1)(i) as follows:

6 **27-65-121. Records.** (1) Except as provided in subsection (2) of
7 this section, all information obtained and records prepared in the course
8 of providing any services pursuant to this article 65 to individuals
9 pursuant to any provision of this article 65 are confidential and privileged
10 matter. The information and records may be disclosed only:

11 (i) In accordance with state and federal law to the agency
12 designated pursuant to the federal "Protection and Advocacy for ~~Mentally~~
13 ~~HH~~ Individuals WITH MENTAL ILLNESS Act", 42 U.S.C. sec. 10801, et seq.,
14 as the governor's protection and advocacy system for Colorado.

15 **SECTION 36.** In Colorado Revised Statutes, 42-4-1705, **amend**
16 (3) as follows:

17 **42-4-1705. Person arrested to be taken before the proper**
18 **court.** (3) Any other provision of law to the contrary notwithstanding, a
19 police officer may place a person who has been arrested and charged with
20 DUI, DUI per se, or UDD and who has been given a written notice or
21 summons to appear in court as provided in section 42-4-1707 in a
22 state-approved treatment facility for ~~alcoholism~~ ALCOHOL USE DISORDERS
23 even though entry or other record of such arrest and charge has been
24 made. ~~Such~~ Placement ~~shall be~~ IS governed by article 81 of title 27,
25 ~~C.R.S.~~, except where in conflict with this section.

26 **SECTION 37. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the
28 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

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MEMORANDUM (2)(c)¹

TO: Statutory Revision Committee

FROM: Brita Darling, Office of Legislative Legal Services

DATE: November 9, 2017

SUBJECT: Remove the obsolete home- and community-based services waiver in the Colorado medical assistance program for persons living with AIDS

Summary

Part 5 of article 6 of title 25.5, C.R.S., codifies the home- and community-based services (HCBS) waiver in the Colorado medical assistance program (Medicaid) for persons with health complexes related to acquired immune deficiency syndrome (Persons Living with AIDS). This waiver was consolidated with the HCBS waiver for the elderly, blind, and disabled (EBD). Because the waiver is no longer operational and no clients are served through the waiver, part 5 of article 6 of title 25.5, C.R.S., is obsolete and should be removed from the Colorado Revised Statutes.

This matter was brought to the Statutory Revision Committee by the Colorado Department of Health Care Policy and Financing (HCPF).

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Analysis

The HCBS waivers in Colorado's Medicaid program provide additional long-term care services that allow individuals the opportunity to continue living in their home and community and prevent the need for institutionalization. By 2014, Colorado had more HCBS waivers than any other state, which resulted in an overly complex long-term care Medicaid system. HCPF has undertaken efforts to consolidate HCBS waivers to make the waivers easier to navigate for Medicaid clients and easier and more efficient for HCPF to administer.

In 2014, HCPF consolidated the Persons Living with AIDS waiver, its first and smallest HCBS waiver, by transferring the 54 clients enrolled in the program to the HCBS EBD waiver. The federal Centers for Medicare and Medicaid Services approved the consolidation of the two waivers in April 2014, and Colorado lost its federal authority to continue operating a waiver specifically for persons living with AIDS.

The Persons Living with AIDS waiver is no longer operational and serves no clients, and, therefore, part 5 of article 6 of title 25.5, C.R.S., should be repealed.

Statutory Charge²

Repealing references in the Colorado Revised Statutes to programs that have been subsumed within other statutory programs fits within the Committee's statutory charge to eliminate antiquated, redundant, or contradictory rule of law.

Proposed Bill

Staff has attached a bill draft (See **Addendum A**) to address the issue and has provided the bill draft to HCPF for its review. The bill repeals part 5 of article 6 of title 25.5, C.R.S., and includes conforming amendments.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
11.8.17

Bill (2)(c)

Temporary storage location: S:\LLS\2018A\Bills\Pre-Draft\18-SRC-HCPF repeal AIDS waiver.wpd

LLS NO. 18-####.## Brita Darling x2241

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal Obsolete Medicaid Waiver Persons With AIDS"

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF OBSOLETE PROVISIONS IN THE**
102 **COLORADO MEDICAL ASSISTANCE PROGRAM RELATING TO THE**
103 **INACTIVE HOME- AND COMMUNITY-BASED SERVICES WAIVER**
104 **FOR PERSONS LIVING WITH AIDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill repeals the inactive home- and community-based services waiver under the Colorado medical

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

assistance program for persons with health complexes related to acquired immune deficiency syndrome (persons living with AIDS waiver). Due to the consolidation of home- and community-based services waivers under the Colorado medical assistance program, persons participating in the persons living with AIDS waiver were transferred to the home- and community-based services waiver for the elderly, blind, and disabled, and federal authorization for the persons living with AIDS waiver has been withdrawn.

The bill makes conforming amendments to remove references to the obsolete home- and community-based services waiver program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares the purpose of House Bill/Senate Bill 18-____, enacted in 2018,
4 is to remove the inactive home- and community-based services waiver
5 under the Colorado medical assistance program for persons with health
6 complexes related to acquired immune deficiency syndrome, which was
7 incorporated into another waiver, the home- and community-based wavier
8 for the elderly, blind, and disabled.

9 **SECTION 2.** In Colorado Revised Statutes, **repeal** part 5 of
10 article 6 of title 25.5.

11 **SECTION 3.** In Colorado Revised Statutes, **repeal** 25.5-5-202
12 (1)(c)(III).

13 **SECTION 4.** In Colorado Revised Statutes, **repeal** 25.5-5-203
14 (1)(d).

15 **SECTION 5.** In Colorado Revised Statutes, **repeal** 25.5-6-104
16 (3)(b)(VIII).

17 **SECTION 6.** In Colorado Revised Statutes, **repeal** 25.5-6-106
18 (2)(b)(III).

19 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-303, **amend**
20 the introductory portion and (5)(a) as follows:

1 **25.5-6-303. Definitions.** As used in this part 3, ~~and part 5 of this~~
2 ~~article~~, unless the context otherwise requires:

3 (5) (a) "Case management agency" means agencies providing
4 services on and before July 1, 1995, for home- and community-based
5 programs for the elderly, blind, and disabled ~~and for persons living with~~
6 ~~AIDS~~ shall be terminated July 1, 1995, and case management functions
7 shall thereafter be performed in accordance with this ~~article~~ ARTICLE 6.

8 **SECTION 8. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.